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ATTORNEY GENERAL
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S.D. CA, 92101

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UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED) [Signature]

My address is 480 alta rd sandiego, ca, 92179

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

EXHIBITS TRANSFERRED TO: VICTORVILLE-ORIGINAL #11 36 37 & 49

06/03/2014 Records received
EXHIBITS RECORDS RECEIVED 06/02/2014 FROM APPEALS ORIG 11 36 37 49

06/16/2014 Receipt of Records/Exhibits filed
RECEIPT OF RECORDS/EXHIBITS ORIGINAL #11 36 37 & 49 FILED 06/16/2014.

06/24/2014 Letter Received
*LETTER DATED 06/11/2014 RECEIVED FROM DEFT RE: REQ RE APPELLATE
REMITTITER*

06/26/2014 Amended Abstract Of Judgment Sent To Doc
AMENDED ABSTRACT OF JUDGMENT FILED AND SENT TO DOC

07/31/2014 Receipt of Records/Exhibits filed
RECEIPT OF RECORDS/EXHIBITS 11 36 37 49 FILED 06/02/2014.

08/26/2014 Note
RECV'D MOTION RE RESTITUTION

09/05/2014 Note
MOTION DENIED-DEFT NOTIFIED

10/10/2014 Received An Order From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

06/18/2015 Received An Order From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

06/19/2015 Received An Order From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

Sub
5/1/06

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN HENRY YABLONSKY — PETITIONER
(Your Name)

STATE OF CALIFORNIA vs.
SUPERIOR COURT(San Bernardino) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF CALIFORNIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOHN HENRY YABLONSKY

(Your Name)

480 ALTA RD

(Address)

San Diego, ca, 92179

(City, State, Zip Code)

(Phone Number)

1/6/20
FILED

QUESTIONS PRESENTED TO THE COURT

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1. HOW CAN THE SUPREME COURT OF THE UNITED STATES UPHOLD CONSTITUTIONAL LAWS IF THE COURT ALLOWS STATE TERRITORIES TO PLUNDER THE CORNERSTONES OF THOSE LAWS WITH ROGUISH MOTIVES, WHO ALLOW PROSECUTORS TO MANIPULATE FACTS UNTIL THEY ARE HISTORICALLY INNACURATE.
 2. IS IT THE UNITED STATES SUPREME COURTS INTENTION AND IN THE BEST INTERESTS OF THE UNITED STATES TO ALLOW PROSECUTORS TO MANIPULATE/ MANUFACTURE EVIDENCE UNTIL THEY ARE HISTORICALLY INNACURATE IN ORDER TO COERSE VERDICTS THAT ARE UNRELIABLE WHEN THE TOTATLITY OF ALL OTHER EVIDENCE RELATED TO THE CASE WHICH ARE INCULPATING, IS LESS THAN CIRCUMSTANCIAL
 3. IF THE STATE PROSECUTORS ENTIRE CASE CENTERED ON AN INTERROGATION RECORDING THAT WAS ILLEGALLY HELD, WOULDN'T THE PROSECUTOR' ALTERING REAL TIME RESPONSES INTO HISTORICALLY INNACURATE ANSWERS VIOLATE DUE PROCESS CLAUSES WHICH ARE PROTECTED BY FEDERAL LAW UNDER THE XIV AMENDMENT UNITED STATE CONSTITUTION NAPUE V ILLIONOIS 360 U.S. 264
 4. IS IT IN THE BEST INTEREST OF THE UNITED STATES TO ALLOW TRIAL COUNSEL TO ESCAPE FIDUCIARY DUTIES TO FULLY INVESTIGATE MATERIAL EVIDENCES WHICH ARE TANGIBLE AUDIO RECORDINGS AS WELL AS SCIENTIFIC DNA EVIDENCES BEFORE THEY MAKE CRITICAL STRATEGIC DECISIONS WHICH FORFIET DEFENDANTS RIGHTS TO PLACE PROSECUTORS CASES TO EFFECTIVE AND MEANINGFUL ADVERSARIAL CHALLENGES UNITED STATES V CRONIC 466 U, S 648

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

DEPUTY DISTRICT ATTORNEY JOHN THOMAS (SAN BERNARDINO)
DEPUTY PUBLIC DEFENDER DAVID SANDERS (SAN BERNARDION)
(EX) COUNTY DISTRICT ATTORNEY MICHAEL RAMOS (SAN BERNARDINO)
SAN BERNARDION COUNTY SHERIFF ROBERT ALEXANDER
SAN BERNARDION COUNTY SHERIFF GREG MYLER
THE HONORABLE JUDGE JOHN TOMBERLIN
THE HONORABLE JUDGE GREGORY S. TAVILL
THE SUPREIOR COURT OF CALIFORNIA (COUNTY OF SAN BERNARDINO)

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CONSTITUTIONAL AND STATUTORY PROVISIONS

UNITED STATES CONSTITUTION XIV AMENDMENT § 1

All persons born or naturalized in the united states and subject to the jurisdiction therefore, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any laws which shall abridge the privilege or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law or deprive to any person within its jurisdiction the equal protections of the laws

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 11/15/2019. A copy of that decision appears at Appendix D.

A timely petition for rehearing was thereafter denied on the following date: 11-9-2019, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

SWORN DECLARATION MADE
UNDER PENALTY OF PERJURY BY
JOHN HENRY YABLONSKY, AN INNOCENT MAN

I John Henry Yablonsky an adult of the age of consent swear under the penalty of perjury to the following, according to belief and knowledge that;

- 1) I did not kill Rita Mabel Cobb
- 2) That I did not know who killed Rita Mabel Cobb nor do I know who killed Rita Mabel Cobb
- 3) That my sexual relationship with Rita Mabel Cobb was consensual and non violent,
- 4) That I knew Rita Mabel Cobb because myself and wife were her tenants prior to her death, renting her studio apartment behind her house
- 5) That I have not, nor have learned who was the actual killer of Rita Mabel Cobb
- 6) That I have personally helped Rita Mabel Cobb when she was accausted at her home by Frank Leftwich, taking him off her property because he was harrassing her
- 7) That I lied to the detectives about my sexual relationship with Rita Mable Cobb because the sexual relationship was private, had nothing to do with her murder, and I was being questioned about a murdered woman whom I had been sexually involved in front of my wife, mother-in law and children. When i was transfered to the police station I did not change my statement for fear of being accused of lying.
- 8) That I told my attorney I was inncoent before he announced trial readiness, that I was told by my attorney David Sanders he was going to investigate all DNA for this case, that I told my attorney the transcripts were innaccurate before they used them for trial and was told that if this case went to tria that verbatim transcripts would be used; that the 300 pages of discovery given to me on June 2009 was all the dicvoery to the case outside my DNA paperwork.

- 9) That all the DNA examinations were done before I agreed to allow my attorney to place this case onto the court calendar for trial to begin on April 2, 2010 to begin on or about June 2010, was what I was told by my attorney
- 10) That I did not give my attorney permission to alter the interrogation recording or transcripts that were created on March 8, 2009, or at any time with regards to statements made by me to the detectives of this case.
- 11) That I was made to beg for discovery from my trial counsel prior to trial, after my trial had begun, after my trial occurred.
- 12) That I am visually impaired which affects my ability to read for periods of time more than one hour, causing headaches, eye irritations, blurred vision and discomfort.
- 13) That I am factually innocent of this case, that I had nothing to do with the planning of, , preparing for, actual involvement with the murder of Rita Mabel Cobb who was killed by someone other than myself. I do not know who did this outside the information I learned from the states records which were pieced-mealed to myself by trial counsel over a period of seven years until January 2016, ~~EIGHTY~~ months after my first demand to see the states entire file.

The above stated facts are true and accurate knowledge of myself John Henry Yablonsky, and if asked, will state the same under the penalty of perjury in any Court of reasonable law within this entire Country. That everything I stated within my applications for relief is the truth and according to, knowledge I have learned over the last eleven years, as a convicted innocent man!

January 6, 2020

John Henry Yablonsky

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix E to the petition and is

- reported at WHCJS-1800338 (10-9-18); or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the CALIFORNIA SUPREME COURT (11-15-19) court appears at Appendix D to the petition and is

- reported at S256961; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

STATEMENT OF THE CASE

As a result of a murder upon Rita Mable Cobb which occurred on September 20, 1985, the state of California filed charges upon petitioner John Henry Yablonsky on March 8, 2009, twenty five years after a murder occurred, because DNA located inside the victim was matched to petitioner through CODIS. On March 11, 2009 petitioner John Henry Yablonsky entered a plea of not guilty. As a result of amended information filed by DDA John Thomas which included the charges of P.C. § 187 murder in the first degree. John Henry Yablonsky (petitioner) was found guilty by way of unreliable facts, evidences on January 2011, convicting petitioner of first degree murder and sentenced petitioner to Life Without Parole. Petitioner filed timely appeal which was denied on or about March 2014. Petitioner filed petition for review which had been denied based on the facts before the trial court at that time. Petitioner filed timely habeas petitions previous to the direct appeal charging state prosecutor and trial counsel with several acts of misconduct which included failure to investigate, altering evidence. Petitioner was forced into litigations with San Bernardino prosecutors appellate division DDA Ferguson who mistated facts of the evidence and case which at that time petitioner was not able to dispute because of the withholding of discovery by trial counsel. When full disclosure was permitted on January 2016, petitioners habeas corpus efforts had excluded facts related to the case which disprove the a) prosecutors theory b) the prosecutors evidences, which

ultimately denied relief regarding issues [now] before this court stating that petitioner did not have enough proof to support his allegations made within the habeas corpus avenues.

DELAY IN FILING THIS
SECOND SUCCESSIVE PETITION
BY ACTIONS OUT OF PETITIONERS CONTROL
SUPPORTING DOCUMENTS WERE
FILED WITHIN PETITIONERS HABEAS WRIT
(SEE EXHIBITS FILED WITHIN)

- 1) As soon as petitioner was arrested and appointed counsel, petitioner requested full disclosure. Trial counsel release 300 of the 5400 pages on June 2009
(EXHIBITS 1, 2, 3, 4)
- 2) On March 2011 after the trial occurred counsel released another 1300 pages different than the first 300 pages, still withholding 3800 pages
(EXHIBITS 4)
- 3) Petitioner filed motions pursuant to P.C. § 1054.9 with state bar, trial counsel which instigated another release by trial counsel on July 2014 of 1600 more, and still different pages than the two previous releases, still withholding 1800 pages.
(EXHIBITS 5, 6, 8, 9, 10)
- 4) Petitioner provided post trial counsel with state bar complaint regarding discovery related to the case which instigate the release by Hal Smith of 5400 pages along with a compact disc of a copy of the illegal 3 3/4 hour interrogation, supporting the allegations of fraud in this action. These discoveries were released to petitioner on January 2016, while petitioner was recovering from a stroke which left him permanently visually disabled. (EXHIBITS 8, 11)

- 5) Petitioner remained within medical units of the department of corrections between October 8, 2015 and June 2016. This housing was related to medical complications as a result of the stroke which left petitioner mobility constrained, visually impaired permanently. These restrictions hindered petitioners ability to validate, research and compare the voluminous 5400 pages of discovery released on January 2016. This restriction also hindered petitioners ability to access law library research engines.
- 6) Petitioner was ultimately transferred as a "HIGH RISK" medically restricted inmate to R.J.Donovan where he currently is detained.
- 7) These painstaking restrictions upon plaintiff were beyond petitioners control hindering the results with a) Library access b) double vision c) access to petitioners files without interruptions
- 8) Petitioner sought through collateral attacks and other fact developing features through the Court which had not been decided completely until October 2019. Petitioners United States Supreme Court CERTIORARI was not decided by this Court until June 2017, case# 16-8771 (THIS IS A PUBLISHED RULING) Petitioners malpractice suit in state Court was not decided by the Court of appeals until where parties admitted to allegations of breach of fiduciary duty as well as altering evidences. Case #CIVDS 1506664.
- 9) Petitioner filed second successive petition for writ of habeas corpus under "FACTUAL INNOCENCE" P.C. §1473, senate bills 1134, 1135, and 261 regarding newly discovered evidence, prosecutor misconduct, juvenile offender laws relating to this conviction petitioner challenges. (SEE APPENDIX B) Filed October 24, 2018

- 10) Petitioner is an inmate housed on a correctional facility which practices mandatory minimal access to the law library which affords inmates the minimal access pursuant to title 15 CCR § 3123, that inmates with active cases will be allowed a maximum time limit of four hours per week if they have court initiated deadlines. If they do not have deadlines then the inmate will be afforded two hours of access per week. These access are not definite and are dependent on regular uninterrupted program. Petitioner was made to appeal the lack of compliance to this regulation, which instigated a host of retaliatory acts that included absolute lockouts from the library, to the taking of petitioners legal files, forcing other appeals to regaining access to his files. These appeals are actively being disputed in the Southern District Court. (3:18-cv-01122-CAB-AGS) These interferences began in October 2016 and are consistent until today January 2020.
- 11) As a result of petitioners medical condition, housing restrictions, petitioners ordinary course of collaterally attacking his wrongful conviction, he has been forced into missing established deadlines, momentum of research and file practices, and psychological harassments by correctional staff in order to chill his legal pursuits.

STATEMENT OF THE FACTS
BEFORE THIS COURT TODAY

As a result of petitioners efforts to correct the injustice from which petitioner suffers at the gross misconducts by state parties who colluded to reach a conviction at [any] cost when they manipulate facts, coerced witnesses and blatantly lied

to the Court and panel of jurist regarding material and relevant facts surrounding petitioners innocence to "GET THE CONVICTION". Petitioner was made to creatively develop these facts post trial where he experienced fiduciary breeches by trial counsel who hid discovery, lied about the discovery in his case in order to allow the prosecutor to reach a conviction ~~was~~ anything but reliable.

Petitioner was convicted by less than circumstantial evidence which most were coerced mistatements, or blatant false and manufactured evidences as discussed in the petition for writ of habeas corpus. (APPENDIX B) The facts outlined within this petition were accurate and were supported by exhibits collected from state litigation efforts by petitioner over a course of five years. Petitioner filed post trial developing statutes to gain access to the true DNA results from relevant and material evidences located at the scene regarding;

- 1) The murder weapon which had DNA on it that did not match petitioner. Petitioners DNA was and is not on that evidence.
- 2) The watchband pin located underneath the victims head which state experts determined was placed there when the victim tore it from her assailants wrist. This _ has DNA on it that does not match petitioner. Petitioners DNA was and is not on this evidence.
- 3) The red hair with the entire roots attached that was located on the victims dead body on a bed that had material evidence. This red hair with the root has DNA capabilities and that DNA will not match petitioner. Petitioner is blonde. Petitioners DNA was not and is not on this evidence.

- 4) The blood smears on the victims bedroom door jamb which had been smeared by an ungloved hand which will have DNA capabilities. The DNA in this blood will not match petitioner. Petitioners DNA was not and is not in this evidence.
- 5) The cigarette butts located in the dining room ashtray common area of the house which had eight butts total. The victim was a heavy smoker. These butts were located and typed by scientific evidence to match Gregory Randolph, a man who confessed to the crime and stated he had not been to the victims home at least two weeks prior to her murder. These cigarette butts will have DNA on them that does not match petitioner. Petitioners DNA was not and is not on these pieces of evidence.
- 6) The cup located in the kitchen with a fingerprint located on it that was matched to Joseph Saunders. This fingerprint will have DNA on it that does not match petitioner and may match other DNA's located at the crime scene.
- 7) There was a desk cloth located underneath the victims bed spread that had petitioners DNA on it, this DNA was not available for examination before trial because state parties destroyed this evidence. It is petitioners contention that the last time he was with Rita Cobb sexually he was also with another woman at the ^{exact} same sexual encounter. (THREESOME). This evidence that is still available (a 3" X 5") piece cut off a thirty by twenty inch desk cover. Proper examinations of this evidence will prove that there was in fact another woman at that same encounter with petitioner and Rita. Petitioner does not know the other persons name

The motion for this DNA examination was filed with Superior Court of California as a motion, not habeas . The Court filed an order to show cause and appointed counsel. The attorney never spoke to petitioner and based his motion from the states records "alone" determining petitioner had not met one of the prongs to this examination.

"THAT DEFENDANT HAS NOT SHOWN HOW THIS OTHER DNA
WOULD AFFECT THE RESULTS OF THE CONVICTION"

This conclusion was more than erroneous and an absolute replica of the trial which convicted petitioner for a murder he did not committ. Petitioner filed formal objections to this counsels papers which went unheard by the Court. The motion was denied. Petitioner conviction rested on the prosecutors theory which was accepted by the trial court.

(RT 32:12-22)

"The peoples position is that Mr Yablonsky's inter-
view he was given at least four opportunities to
say he had sex with the victim, and the detectives
were very clear, we dont care if you had sex with the
victim. If you had sex with the victim, we need to know
and he repeatedly denied having sex."

" FROM THE DENIAL OF SEX THE JURY COULD INFER THAT THE
SEX HE HAD WAS UNCONSENTUAL, "IT IS PROPINCITY"

That is exactly how the prosecutor presented his case,
using witnesses who' prior to trial statements *later* coerced into
differant testimonies about material facts. The main issue here
is that the prosecutor altered the interrogation recording he pre-
sented tothe jurists , altering it himself by changing petitioners
answers from saying he did not have a key to the victims house

to saying that he did. This was done on November 23, 2010 prior to the trial occurring. This afforded trial counsel a chance to authenticate this evidence which was not done, even after petitioner told him the transcript was incorrect. Then on January 2011 while the trial was in session he took this text alteration along with the compact disc copy of the interrogation recording home to create yet a third copy of these alterations so that he could "make it sound good".(EXHIBIT 41) (RT 402-403)(RT454-456) (appendix B PP 38-42)(exhibit 40, 41, 42, 43)

In this case petitioner presented this issue to the initial habeas court Superior Court of California which was heard by The Honorable Kyle Brodie. Petitioner moved the Court, the Court of appeal and State Supreme for trial record as well as discovery to dispute the allegations made by DDA Ferguson who stated ,

"COLLUSARY ALLEGATIONS WITHOUT MORE IS INSUFFICIENT"

The compact disc that was finally released on January 2016 validates this allegation, that the interrogation transcript was altered.(See exhibit 65) This reliable disc had been preserved, validated as relating to the transcript created on November 23, 2010, and proves that answers had been changed deliberately and maliciously. The entire round of collateral attacks focused on this false evidence in their reasoning along with petitioners DNA being at the scene. Even the District Court for case EDCV-14-01877-PA-DTB. (THIS IS A PUBLISHED OPINION) None of the parties took the experts statements for their values, ignoring common sense and contradicted historical facts of the case. That petitioners DNA was not a factor in this crime to "any" degree.

Criminalist Donald Jones who had been a career type criminalist with a cache of expertise stated to the Court.(RT317) "THAT THE DNA LOCATED IN SIDE THE VICTIM MATCHED TO YABLONSKY WAS THE RESULT OF A SEXUAL ENCOUNTER THAT OCCURED SEVERAL DAYS BEFORE RITA COBB HAD BEEN KILLED."" Adding that "HE WAS CERTAIN OF THIS FINDING". The pathologist Dr. Saukel for this case offered very similar testimony stating for the Court. (RT490) "THAT IN HIS OPINION THE DNA MATCHING YABLONSKY WAS THE RESULT OF A SEXUAL ENCOUNTER THAT OCCERED AS MANY AS ONE AND A HALF DAYS BEFORE RITA COBB HAD BEEN KILLED."

Neityher of these expetrts were contradicted by an expert, and the only contradiction to this evidence was created by a member of the prosecuting team . DDA Ferguson who stated during briefing at the Superior Court level "THAT YABLONSKY'S DNA WAS LOCATED UNDERNEATH THE VICTIM" This information was false and not supported by any historical evidnece, real time expert statements and was a conclusion she came to on her own as a litigating party defensing allegations of misconduct on her co-workers, and outside the trial record. Petitioner filed objections to this, but that "BELL HAD ALREADY BEEN RUNG, ECHOING THROUGHOUT THE ENTIRE COURT SYSTEM".

Because petitioner was forced into creative litigations using the civil discovery act to develop facts relating to the misconducts by state p½arties DDA John Thomas, DPD david Sanders, S.B.S.D Robert Alexander, S.B.S.D. Greg Myler, DPD Geoffery Canty, petitiomer filed a billion dollar suit for malpractice, negligence, false light, fraud. These parties did not deny the alleahgations

thereby admitting them. Relying on the settlement of the conviction, and rested on the "HECK THEORY" that redress was impossible until, the case had been recalled, or exoneration was met.

Because of the harrassments by state parties, department of corrections full and fair hearings were denied because of lack of access to resources to research meaningful legal writings which would have supported petitioners historical theory,"THAT THE STATE PROSECUTOR, STATE PUBLIC DEFENDER convicted petitioner by false evidnece..

Petitioner filed a second successive petition for writ of habeas corpus as soon as he was fully prepared basdd on his current medical complications and restrictions from law library where he could research authority by which relief could be granted. The state of Cal;ifornia did not enact the Senate Bills 1134, newly discovered evidence, 1909, prosecutor using false evidnece until 2017 when petitioner was waiting for the United States Supreme Court to rule. (discussed above) Petitioner filed the writ at his earliest convenience with the Superior Court, judge Tavill ruled this petition as untimely, while still ringing that DNA bell which DDA Ferguson placed into the record by mistating facts .

(see APPENDIX B) Petitioner charged the prosecutor with subornation of perjury, perjury, manufacturing evidnece, and misconduct of withholding evidnece. Charging trial counsel for acts of incompetence for failing to investigate the evidences discussed above as well as other acts that included collusion of fraud and withholding evidences from his client who was made to beg for them for several years..

The Superior Court violated due process rights afforded by the XIV amendment when the Court stated;

(APPENDIX B)

- 1) This case was settled based on the facts before the Court of appeal.(2013 -WL6271920) These allegations nor the evidence within this application were ever before the Court of appeal. Adding facts related to the case,
 - a) That Rita Cobb was killed by wire hanger
 - b) The evidence was still available
 - c) Petitioners DNA was matched to the crime scene
 - d) Petitioner admitted he knew the victim
 - e) That petitioner denied having sex with her
 - f) That the denial of sex is what connects defendant to the murder
 - g) This is the evidence the jury relied when they found defendant guilty
 - h) That petitioners argument had been reviewed several times including direct appeals suggesting petitioner had had a full and fair hearing based on the facts now before the court
 - i) That the petition before the Court at this time was based on factual innocence claim
 - j) That petitioner took too long in light of the full and in great detail of the collateral challenges explained within the petition before the Court.

The Court added that considering all these allegations, the Court completely ignore the fact that the interrogation answers given by petitioner in the evidence shown to the jury who decided was altered and therefore unreliable and should have been suppressed by counsel who knew the answers were altered before they were shown to the jury. Relying that there was a stipulation between Counsel and prosecutor to used the damaged recording. (emphasis)

In light of the allegations made by petitioner that the evidences directly tied to the actual murder had DNA on them admittedly by experts, DDA Ferguson, which did not match petitioner suggesting that even though there is another man's DNA on these items other than petitioners does not raise severe discrepancies in who they belonged to when the question before the Court was "WHO COMMITTED THE CRIME".

Furthermore these are in fact the exact responses by DDA Ferguson who stated;

- a) Just because there is another mans DNA on items located at the scene related to the weapon used and elft behind by the actual killer does not mean they killed "anybody".
- b) That because petitioner cannot prove the DNA on the watchband pin belonged to someone specifi his argument fails
- c) That because petitioner cannot prove these DNA belonged to the man who confessed Gregory randolph his argument fails
- d) That there is no proof that the hair collected off the victim that had its entire roots structure attached was in fact actually red, therefore the argument fails.
- e) That maybe the victim collected watchband pins and saved them
- f) The petitioner admitted to having a key to the victims house, therefore he admits to the crime
- g) The interrogation recording used in this trial was shown to the jurors and was what they relied in their decision of guilt.

Petitioner moved the Court for an evidentiary hearing which would have been able to validate the claims made by petitioner, that if true would have afforded relief. Only those moving papers were ignored , ,and denied by Court. Therefore there was no full and fair hearing on the merits of the allegations, hence this case was not adjudicated on the historical values in petitioners application for relief. "EVER"!

2) The application to the Superior Court was ignored stating that there was not enough allegations, even if true to overcome the burden that petitioner had admitted to knowing Rita yet denuied having sex with her.....four times!

3) The added finally that this case did not even come close to the threshold outlined by federal law regarding factual innocence and therefore no federal laws were violated by state & parties.

4) Last and most important was that the Superior Court judge did not address the manufacturing of the transcript used to coerse the jurors, even though the Court and Honorable Judge had a copy of that recordoing of states (EXHIBIT 49-Compact Disc) which when listened to would prove that answers were in fact changed to place evidnece into the petitioners possession. This alteration supported a element of the charge "ITNENT"! By having a key the the victims home when there was no reasons by a person who lived elsewhere , and had no arrangements with her had only one intent in mind. "TO RETURN TWO DAYS AFTER HAVING CONSENTUAL

SEX WITH HER ON OR ABOUT SEPTEMBER 18, 1985, TO RAPE AND KILLER TWO DAYS LATER"! This theory was not supported by "ANY EVIDNECE" nor was it supported by one witness who last seen Rita Cobb alive two days or more after petitioner had had consensual sex. relying;

"THAT BECAUSE YABLONSKY DENIED HAVING SEX WITH A MURDERED PERSON HE MUST BE GUILTY OF KILLING HER TWO DAYS AFTER HAVING CONSENSUAL SEX WITH HER"..

The fact petitioner had to file numerous petitions to forcibly strip the discovery from the state parties who had an obligation to release the entire file once intelligently requested pursuant to state statute. P.C. § 1054.9 which in short states that any person sentenced to Life without the possibility of parole "will" be afforded "all" discovery which would have been required prior to trial. EGRO all 5400 pages along with an exact real time recording of the 3 hour and 45 minute interrogation that occurred while custodial issues were in tact.

(SEE EXHIBITS 1, 2, 4, 5, 6, 7, 8, 9, 10, 11)

Based on the allegations within the complaint of misconduct written in proper form HC-001 Petition for writ of Habeas Corpus, the Court had an obligation to allow a full and fair hearing, and adjudicate the merits of the allegations based on real-time historical facts of the case that had been withheld for several years after the actual injury occurred when the Court convicted petitioner with false evidence in violation to federally protected rights..

ARGUMENT ONE

THE STATE OF CALIFORNIA VIOLATED FEDERALLY PROTECTED RIGHTS UNDER THE FORTEENTH AMENDMENT UNITED STATES CONSTITUTION , VIOLATING DUE PROCESS CLAUSES WHEN THE COURT IGNORED FEDERAL LAWS REGARDING NEWLY DISCOVERED EVIDNECE WHICH SUPPORT FACTUAL INNOCENCE. -

As discussed above and within the exhibits attached herein trial court, prosecutors deliberately violated fundamental protections under the United States Constitution XIV AMENDMENT due process clauses. The Califnrnia Senate established and created new laws regarding the prensentations of newly diascovered evidence, pursuant to senate bill 1134. (SEE EXHIBIT 61) The Court had an obligation to consider the evcndence before the Court and to adjudicate those evidnece, which if true would afford petitioner relief. In this matter the Court did not.

As discussed above and within the exhibits attached herein trial Court, prosecutors deliberately violated fundamental protections under Due Process Claused of the XIV Amehment United States Constitution when they ignore the new evidnece showing that false evindece were created by the state prosecutor and used to coerse a verdict, when taken in light of all other evidences presented in the trial would have provided relief. especially if the primary evidnece used to coerse a verdict was manufactured to create an ele,ment to the charge. (SEE EXHIBITS 40, 41, 42, 43, 63,64,65)
SENATE BILL 1909

POINTS AND AUTHORITIES

Pursuant to ~~42~~ U.S.C.S § 2254(d)(2), 2254(e)(2)(A)(i), 2254(e)(2)(A(ii)) there should be an allowance of newly discovered evidence that was not previously available to petitioner, through no fault of his won was made unavailable. That a federal Court

should entertain a review of an application for writ of habeas corpus pursuant to the judgment of the Superior Court. "A determination on the merits of a factual issue" made by state Court of competent jurisdiction. evidence by writing, written opinion, or other reliable and "adequate" written indications, shall be presented to be corrected unless the application shall establish, or it otherwise appears, or the respondent admits;

- 1) The merits of the facts disputed were not before and responded by state court
- 2) The facts finding procedure was not employed by state court to afford full and fair hearing
- 3) The material facts were not developed at state court hearing.
- 4) The state Court lacked jurisdiction over subject matter
- 5) That constitutional rights to effective counsel was deprived
- 6) That the applicant did not receive a full and fair hearing which was adequate by state court
- 7) That applicant was denied due process of law by state Court
- 8) That unless the state record issue was called into question pertinent to sufficiency of the evidence to support factual determination is produced that such factual determination is not fairly supported by the record

In Re Figueroa, 4 Cal.5th 576(2018) The California Supreme Court petitioner to have deserved relief, based on the false evidence used in that conviction of first degree murder, reducing the conviction to 2nd degree murder. (Superio Court Kern County, No. 111336 Honorable J Stuart) " A fair trial constitutes due process protections under the sixth amendment to obtain effective counsel, an opportunity to cross examine witnesses and the admissions of evidence overned by state law which are protected by federal law.

An unreasonable determination of the facts. Hittson v Chatman 135 s.cb.212(2015) In light of the evidnece presented in state court proceedings (2254[d] deciding whether a state Court decision an "unreasonable" application of federal law or was "based on " unreasonable determination of facts required by federal law. To trian its attention on the particularities reasonably both legal and factually. ("a federal court simply evaluates diffetrence is specific reasonaing of the state court)(citation) Ylst v Nunne-maker 501 US 792(1991)(whether last court of reason rested upon procedura;l default) That false testimony violated 14 amendment United States due process clause , whether or not the prosecutor knew it was false. (see Napue v Illi nois 360 US 264(1959); Kalina v Fletcher 522 US 118(1997)).

The suppression by prosecutor of evidnece favorable to an accused upon request violates due process where the evidnece is material to guilt or punishment. Weary v Cain, 194 L.ed.2d 78, irrespect of good faith or bad faith of the prosecutor at 87; see also Giglio v United States 405 US 150(1972)(Clarifying evidnece that undermines witnesses credibility) evidence qualifies as material when there is "any reasonable likelihood" it - p : could have

have affected the judgment of the jury") Giglio, supra at 154 (quoting Napue v Illinois 360 US 264 (1959); Smith v Cain 181 L.ed.2d 571 (2012))

The prosecutor violated due process right of the accused who was convicted on the basis of fabricated evidence, or the coercion of false testimony irregardless of his knowledge before hand. In focussing on the defendants due process right to a fair trial, the standard is not one focussing on the impact of the undisclosed evidence ability to coerce the verdict, but the reflection concerns with justice of the finding of guilt which is reliable beyond reasonable doubt.. Grubs v Blades 2006 US Dist LEXIS 35869; UNITED STATES V Bagley (citation) where in Grubbs case the police did manufacture false evidence and submitted it to Grubbs attorney as true. That although the logs were released, they did not receive notice the evidence had been altered. That evidence was exclusively in the possession of the police. Ninth Circuit Court of Appeals found under Brady the prosecutor had a duty to discover favorable evidence known to the actions on the governments behalf. Kyles, 514 US at 437. The Idaho Court found the experts testimony about the logs was exculpatory, that change in the writing was exculpatory. The Court found defendant counsel effective use of evidence. Kyles US at 437. Does not nullify the inherent exculpatory nature of information that police had altered the evidence. The Court further found in Gantt v Roe 389 f3d 908 (2001) "BRADY IS NOT CONFINED TO EVIDENCE THAT AFFIRMATIVELY PROVES DEFENDANTS INNOCENCE EVEN IF EVIDENCE IS MERELY "favorable to the accused. ITS SUPPRESSION VIOLATED BRADY IF PREJUDICE RESULTS"(emphasis)

Sanders v Cullen 873 f3d 778 (2017 (quoting 2254(d)(2)))

Determinations of the facts was not "merely wrong" but objectively unreasonable. Taylor v Madsdox 366 f3d 992)(2254) is proper only if the panel is convinced the applicant could not reasonably conclude that the states finding was supported by the record. Id at 1000. Mooney v Hoolahan 294 US 103(1935); Napue v Illinois 360 US 264 (1959) To demonstrate a CONSTITUTIONAL VIOLATION UNDER Mooney, Napue, the petitioner must show

- 1)The testimony(or evidence) was false
- 2) The prosecutor knew or should have known it was false
- 3) The false evidnece was material

Reis -Campos v Biter 832 f3d 968(2016);cert den, 137 s.ct. 1447(2017) (quoting) Jackson v Brown 513 f3d 1057(2008.

Schulp v Delo 541 US 386(1995) The petitioner must show that a constitutional violation has "probably" resulted showing;

- 1)Supported with reliable evidence
- 2)The quintessential miscarriage of justice occurred convicting an innocent person
- 3) The merits of the case are consistant to United States Supreme Court jures prudence protections
- 4) That the doctrine of adherence to precedents does not not preclude applications of "probability" resulted.

What constitutes newly discovered evidnece. Sawyer v Whit ley 505 US 333(1992)

- 1) The moving party can show the evidence relied on, in fact constitutes newly discovered evidence within the meaning of FRCP 60(b)
- 2) The moving party exercised due diligence to discover the evidnece.
- 3)The new evidence must be oif such magnatude that production of it earlier would have likely changed the disposition of the case.

Martinez v Ryan 566 US 1(2012) The right to effective assistance of counsel at trial is the bedrock principle of our justice system, and cannot be avoided nor neglected when assuring a fair trial, and the fundamental fairness of applications of factual evidences are presented, ensuring fairness beyond reason. That any person haled into court cannot be assured a fair trial without effective counsel. Gideon v Wainwright 372 US 335(1963) The right of counsel is the foundation of adversarial system. That effective counsel tess the prosecutors case to ensure that the oprocedures serve the functional equivalent to adjudicate guilt or innocce while preserving the defendants rights. (quoting)Powelly Alabama 287 US 45 (1932) (The defendant deser ves the guiding hand at every step inthe proicess agaubst him. Without it, though he may be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. (MC QUIGGINS)SCHULP) (STRICKLAND) (CRONIC)

"THAT A DEFENDANT DESERVES A FAIR TRIAL"

ANALYSIS

The fact that petitionersd DNA was older than the crime of murder was suspect as to why the charges were ever filed, considering the victims strange charater which involved numerous lovers. The detectives knew this whch they interrogated petitioner in front of his wife, children ona Sunday morning, assuring they would capture petitioners entire family when the interrogation occured. Relying that the *question about* a sexual relationship with a murdered person would be thwarted with denials. Police expcted this denial which "would occur" because petitioner was going to be questions

in front of his wife, mother in law and three children who would be hanging on every word as their father was being interrogated about a murdered person from his past. (see exhibit 30) These detectives had watched petitioner for several days before they entered his home with at least two different police agencies on a Sunday mornign carrying a warrant for arrest. Injecting an inter-rogation outside MIRANDA, proposing they were being friendly and only asking questions. They were not !

They then had the fortitude to use two seperate personal recorders for this interrogation they expcted to use in their sweeping net to convict at all costs. They then created two seprraete versions of this e xact same interroigation that was conducted in two seperate locations while custodial actibvity was obvious. Creat@ing two seperate versions of this transaction on November 23, 2010, months before the trial ever occured. Then after the trial had been processed and nothing suggesting petitioner was guilty to any certainty, on January 26, 2011 the prosecutor took this evcidnece home himself and re-created another version of audio to match the changes in text that occured on November 23, 2010.

Creating an audio/ text version he could show the juruist over a projection unit located inthe Court room while thjey were allowed to listen to the conversation on a speaker that was provided. Doing this after the states case had fallen short of the reasonable doubt threshold.

- 1) Bruce Nash stated several times before trial that Rita told him she was not going home after the aprty and was gfoing to a bar called the Zodiak Lounge instead. On the stand Nash told the jurists he believed Rita to have been headed home after the poarty.

adding that he did not drive her home that September 20, 1985 night after the aprty.
(EXHIBIT 13)

- 2) John Sullivan who on several occasions told sheriff that he had fallen asleep before Rita left his drinking part. Yet on the stand he contradicted his statements saying he now 25 years later rememebrs bnetter that he was not asleep when Rita left his party, adding that he seen Bruce Nash drive Rita Cobb home after the party, contradicting what Nash had just told the jurists.
(EXHIBIT 14)
- 3) The states expert criminalist for the sheriff department Criminalist Donald Jones stated that in his expert opinion and knowledge of the facts of the case, knew the DNA found inside the victim was the result of a sexual encounter that occured severaol days before rita Cobb had been killed.
) (EXHIBIT 51)(RT317)
- 4) The states expert pathologist Dr. Saukel stated that in his expert opinion there was no physical or scientific evidnece Ritya Cobb had been raped at the time she was killed . That in his expert opinion of the science and evidnece of the case that the DNA located inside the victimwas the result of a sexual encounter that occured as much as one and a ha;lf days bfore rita Cobb had been killed.
(EXHIBIT 51)(RT 490)
- 5) Dianne Flagg stated several times to sheriff that she seen a silver Pinto wagon in the victims driveway the day she had been killed, adding she knew it to be a Pinto and was silver in color. She testifioed the same to the jurist. This eplains why the prosecutor

redacted from the text and erased from the audio recording copy, that the sheriff knew petitioners pinto was dark blue. Knowing that this level of coercion needed support.

TO NOT BE CHALLENGED BY COUNSEL OR COURT!

Nothing in the three week trial to this transcript point led any reasonable jurist to believe petitioner was guilty to any certainty, which explained the prosecutors need to take this evidence himself, home so that "HE CAN MAKE THE CHANGES SO THEY [SOUNDED] good" (EMPHASIS ADDED) Petitioners fingerprints wer not located at the scene. His DNA was not located on [any] of the culpable items related to the murder a) weapon b) blood smears c) watchband pin pulled from the attacker d) red hair with the entire roots attached e) cigarette butts located in a common area of smokers house f) NOTHING WAS LOCATED POINTING AT PETITIONER AS THE ACTUAL KILLER.

Remember th eprosecutors theory ! That because Yablonsky chose to lie about the sex he had with the victim make him the killer through the logic of propincity. *M*eaning that if one has the propincity to lie about sex then they also have the propincity to kill. (emphasis added)

THAT MAKE EVERY MARRIED MAN A KILLER, WOULDNT IT?
IF THEY WERE ASKED ABOUT EXTRA MARITAL AFFAIRS!!(EMPHAIS)

The' prosecutor had two specific witnesses on his list, which petitioner intended on calling when petitioner told his attorney they would corroboreate that poetitioner would have been 160 miles away from the crime scene at the time the murder occured with family. AN ALIBI which the trial counsel thwarted. The prosecutor refused to call these witnesses, therefore petitioner

was not ,alowed to question Lynda Mitchell (ex mother inlaw) and Holly Mitchell (ex wife) about the weeks before the birth of Holly and Johns second child, Jasmine Shawnda Jade Yablonsky whow as vborn on September 30, 1985 ten days after the alleged murder of Rita Cobb..

This was exactly why the prosecutor needed to take this evidnece home himself, because if he hadn't, anyone else would have had the dignity to not change the answers, or would have noticed that the transcripts were doctor~~a~~ and would have professionally needed to report the damage to the audio recordings as well as the transcripts that were created by detectives. So against the Courts suggestion, (WHY DONT YOU HAVE SOMEONE ELSE TO TAKE CARE OF THE REDACTIONS ?) (BECAUSE I HAVE TO TAKE THEM HOME SO THAT THE REDACTIONS CAN MAKE THE TRANSCRIPT SOUND GOOD) (EMPHAIS ADDED) This coupled with the California Court of appeals acknowledgment of the petitioners DNA in this case. (WL 6271920)

"THAT SOMEONE (A) COULD HAVE HAD SEX WITH THE VICTIM; ON THUIRSDAY NIGHT AND SOMEONE ELSE (B) COULD HAVE KILLED HER ON SATURDAY MORNING" (EMPHASIS ADDED).

The prosecutor knew the evidnece was false because he created it, protected its alterations from being detected by someone with a moral compass, then presented his co-conspirator to help him authenticate it without impunity by another conspirator, trial counsel, who divulged petitioners case and help ed prosecutor to secure a conviction of an innocent man.

The initial trial court for the first filing of habeas did not adjudicate these facts on the merits, would not provide an evidentiary hearing, and denied the habeas corpus, claiming repeatedly that the Court lacked jurisdiction, or petitioner ha de nopt provided enough proof at that time to support his allegations, therefore failing to adjudicate the allegations, which if true would have afforded petitioner the relief he asked.

" A FAIR TRIAL WITH HISTORICALLY ACCURATE EVIDENCE! "

The lies told by DDA Ferguson were parroted by STATE Court, District court and attorney general, assuming she was accurate with her analysis, banking on her accuracy. SHE WAS NOT!

REASONS FOR GRANTING THIS PETITION

- 1) Because petitioners application to the second was timely based on the circumstances petitioner was faced regarding having to develop these facts, research law, and to prepare a petition when jurisdiction would not interfere.
- 2) Because the prosecutor did in fact violate : Due Process Clause of the fourteenth amendment United States constitution when he deliberately altered evidence to achieve an unreliable verdict
- 3) Because the trial attorney, prosecutor withheld these facts until years after trial to prevent a full fair hearing , violating due process clauses of fifth and sixth and fourteenth amendment United States constitution

- 4) Because the state of California ignore state laws regarding the use of false evidence in their conviction, ignore federal laws regarding the use of false evidence, ignoring established federal laws
- 5) BECAUSE PETITIONER IS IN FACT FACTUALLY INNOCENT, THE STATES HISTORICAL EVIDENCES PROVE THIS BEYOND REASONABLE DOUBT, CONSIDERING ALL THE TOTALITY OF THE OTHER EVIDENCE IN THIS CASE .REASONABLE JURIST WOULD AGREE
- 6) Because if a prosecutor has the technological training as well as the equipment to alter evidence at his home suggests this is not his first time, and should be stopped before many others are made to suffer these illegal acts.

CONCLUSION

This application for writ of certiorari should be granted

Respectfully submitted;

John Henry Yablonsky

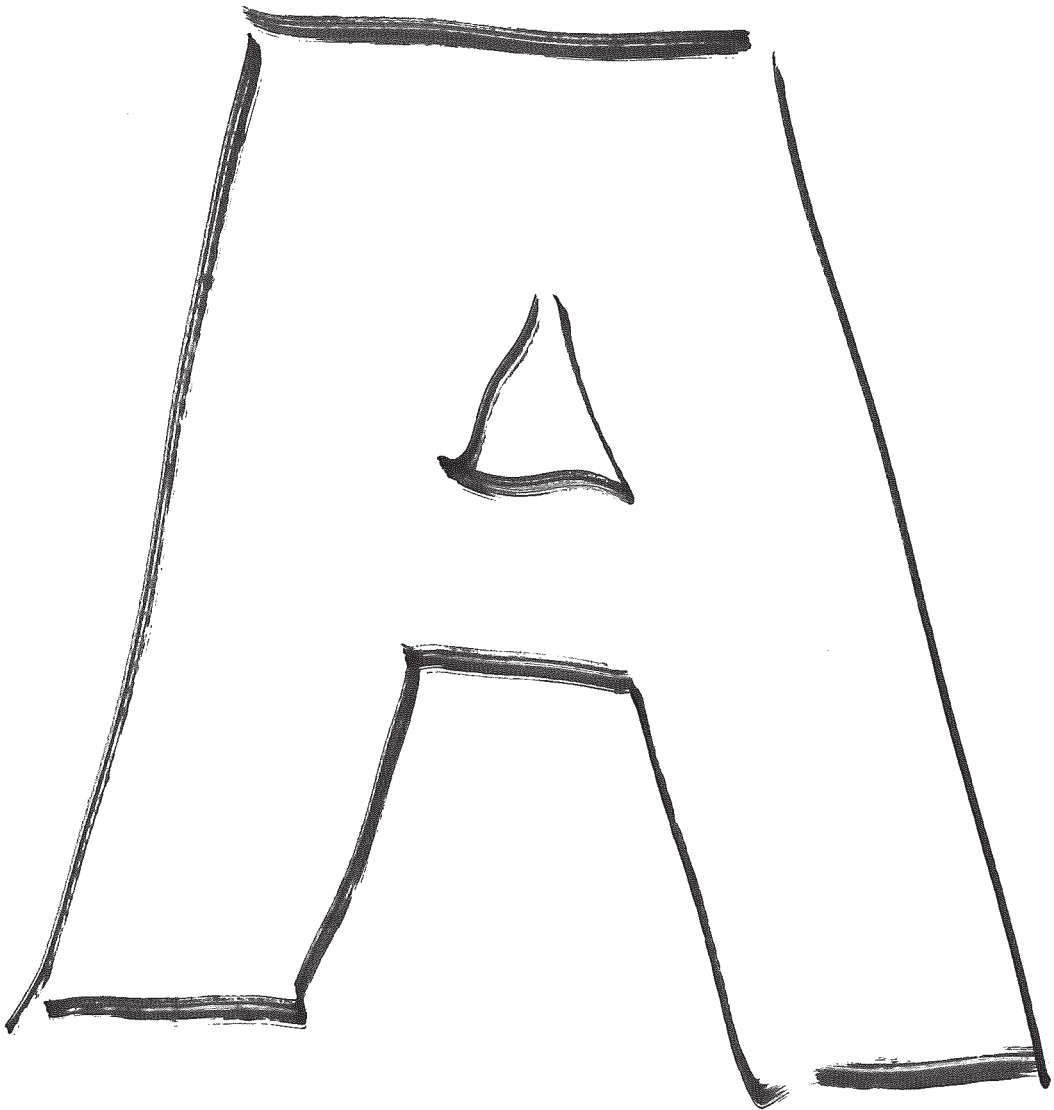
VERIFICATION

I John Henry yablonsky an adult of the age of consent state under penalty of perjury that the information stated above and within this application are the truth and according to belief and knowledge. If called to testify will state the same in [any] COURT of this country.

JOHN HENRY YABLONSKY January 6, 2020

THE TRUTH IS A VICIOUS BEAST, SET IT FREE AND WATCH
AS IT DEFENDS ITSELF !

PETITIONER FURTHER SAYETH NAUGHT



DOUBLE
SIDE

FEED

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re JOHN HENRY YABLONSKY

E071880

on Habeas Corpus.

(Super.Ct.Nos. FVI900518,
WHCJS1800338 &
WHCSS1200311)

The County of San Bernardino

THE COURT

The petition for writ of habeas corpus is DENIED.

CODRINGTON

Acting P. J.

Panel: Codrington
McKinster
Miller

cc: See attached list

1 John Henry Yablonsky AL0373
18-147
480 Alta rd.
Sandiego,ca,92179

2
3
4
5
6
7
8 CLERK OF THE COURT
9 COURT OF APPEAL
FOURTH DISTRICT, DIVISION TWO

10 In Re John Henry Yablonsky, § CASE NO.#EO71880
11 On Habeas/Coram nobis, § Superior Court trial#FVI900518
12 § Superior Court Habeas#WHCSS1200311
13 § Superior Court Habeas#WHCJS1800338
14 § PETITION FOR REHEARING PURSUANT TO
CRC RULE 8.268(b)(1)
§ PENAL CODE §1473, 141
15 § SENATE BILLS 1909, 1134, 261
§ *RULE 5.1.13 CRC HABEAS CORPUS*

16
17 CASE SUMMARY

18 Petitioner was tried and convicted by the Superior Court
19 of California in Sanbernardino county for murder in the first degree
20 consistant to P.C. § 187, and found guilty by the use of false
21 evidences. Petitioner timely filed direct appeals which had been
22 determined without the evidneces or facts within this petition
23 herein. Petitioner filed petition for review by the State Supreme
24 Court and that determination was also made without these facts or
25 evidneces filed herein this petition. Petitioner timely filed habeas
26 corpus with the Superior Court inthe district his conviction was
27 determined. That Court rules on several matters that [IT DID NOT
28 HAVE JURISDICTION] denying that petition with these allegations

1 stating that petitioner did not have proof. Petitioner diligently
2 sought to develop facts which revealed evidences to support the
3 claims made at the Superior Court level which were being piecemealed
4 by trial counsel and post trial counsel from ;
5 June 2009 where 300 of the 5000 pages were released
6 March 2011 where 1300 different pages were released from the 5000
7 July 2014 where trial counsel released another 1600 different pages
8 than the first 300 or the second 1300 out of the 5000
9 pages and not until the state bar got involved
10 January 2016 where post trial counsel finally released the full
11 case filed releasing 5300 pages which included the first
12 disbursement in 2009 of 300 pages, the second disbursement
13 in 2011 after the trial had concluded with 1300 more,
14 as well as the third disbursement of 1600 pages.
15 This fourth installment also contained a compact disc
16 of the evidence used during trial which confirms that
17 state actors alered, manufactured evidences they relied
18 on in their conviction

13 MARCH 2018 PETITIONER SUPREME COURT CERTIORARI WAS
14 DENIED REHEARING

14 Petitioner filed a second successive habeas petition
15 in the Suoperior Court as soon as he could validate and confirm
16 these records that had been piece mealed over a period of seven
17 years after the very first initial demand for the states entire
18 filed. (see exhibits 1 through 11). The Court at the second succes
19 ive level denied the petition prejudicially, stating that petitioner
20 took too long to develop these facts on October 9, 2018 (CD3:5-11)
21 Most importantly the Court ignore the fact that the first habeas
22 petition Judge Kyle Brodie stated that the Court lacked jurisdiction
23 to hear those claims stating the petitioner did not have [PROOF]!

24 The evidences presented in the original trial were not
25 substancial on their face outside the manufactured evidence, while
26 two experts stated (Dr. Saukel " That the DNA matching petitioner
27 was at least one and a half days older than the murder"(RT490)
28 (Pathologist) (see exhibit 51)

1 (Criminalist Jone stated " That several days had passed since the
2 sex, and he was certain of these findings" (Rt317) (See exhibit.51)
3 Petitioner was not seen at the residence, his fingerprints were
4 not located at the scene. (see exhibit 29) The victim was seen
5 at a party the day after petitioner had had sex with her, and was
6 seen there alive by three different persons who testified at trial
7 that they seen her on the night of Friday Sept3ember 20, 1985.
8 (see exhibit 13 Bruce Nash) (see exhibit 14 John Sullivan)
9 (see exhibit 14 Francesca Drake)

10 Rita Cobb was seen alive at the bars the night she had
11 been killed by several parties who offered statements that are mem-
12 orialized her. (See exhibit 16 Gregory Randolph) (see exhibit,21
13 Sheryll Brodus)(see exhibit 22 Ron Campbell)(see exhibit 24 Rene
14 Smith)(see exhibit 25 Fred Halbrook) Most strikingly odd was
15 that Gregory randolph not only seen Cobb at the bar, but admitted
16 to friends that he took her home and killed her. His confession
17 report led to arrest and other fact developing evidneces while
18 after he had been released and before these evidences had even been
19 proçessed for DNA matching, killed himself before his DNA was tied
20 to this case. Trophies were located in his crime scene in the form
21 of photographs of murdered women.

22

23 ARGUMENT

24 The rules and laws surrounding newly discovered evidneces
25 apply in this matter regarding the use of false evidnece. The compact
26 disc accepoted by thie Court,as well as the Superior Court second
27 habeas confirm that the state prosecutor and his cronie Detective
28 Sheriff deput Robert Alexander altered answers given by petitoner.

1 This very Court admitted that petitioners DNA was not
2 a factor in their ruling in 2013 "That defendants DNA was at least
3 one and a half days older than the crime of murder, that [A] could
4 have had sex with Cobb on Thursday night, and been killed by [B]
5 on Saturday " (COA 13) This Court also found that Rita Cobbs statement
6 to Bruce nash was relevant and should have been allowed in the trial
7 because "Although her statements was that she was going to the
8 Zodiac Lounge, she could have gone to another bar that night, also
9 she may have gone to the Zodiac Lounge and been waylaid in the park
10 lot"

11 YOU GOTTA READ THE CONFESSION REPORT EXHIBIT 16!!!!!!

12 This confession is not only ironically coincidental that
13 he confessed to meeting her at the exact same bar she said she was
14 going, but his details of the crime scene were morbidly accurate!
15 How else would he have known that she was going to the Zodiac lounge?
16 This brings us to the manufacturing of the evidnce. Furst these
17 actors had a parrent for arrest and still spoke to petitioner without
18 miranda, recording these evients. They then did not transcribe these
19 until after a lawsuit provoke the prosecutor who litterally had
20 less than nothing to prosecute petationer for this crime chose to
21 make evidnce that ties him to culpable behavior by oplacing a key
22 to the victims home into his possession. There really was nothing
23 else presented to these jurors that even implied petitioner had
24 anything to do with the case. DDA Ferguson admitted this when she
25 stated in here defense of petitioners first habeas, "That the defend-
26 ant admitted to having a key to the home of Rita Cobb and the jurors
27 used this exhibit 49A to make their decisions." You cannot unring

1 the bells of the Court (THIS COURT LACKS JURISDICTION) deputy prose-
2 cutor Ferguson (Collusory allegations without more is insufficient)

3 These allegations are now before this Court and are more
4 than sufficient, and supported by the laws under P.C. 141, 1473!!

5 Aside the fact that petitioner is innocent. Even if a
6 party was guilty the laws under P.C. 141, 1473 state the conviction
7 should be revered if there is a reasonable probability that the
8 false evidnece influenced the decision. Hell, it was the only evid-
9 ence that even implied petitioner committed any crime!! Placing
10 that fact on to ½p that petitioner really is innocent and was in
11 another county at a family function at the time this murder occured
12 which was not investigasted by the trial counsel † does not change
13 the fact he was not at the crime scene the day the murder occured!!

14 PETITIONERS SECOND AND SUCCESSIVE WAS TIMELY
15 UNDER THE PREVAILING CIRCUMSTANCES THAT WERE OUT
16 OF PETITIONERS CONTROL,

17 AUTHORITY

18 All rules laws and authority in petitioners breif filed
19 herein the original filing are now and hereby incorporated by refe-
20 rance herein. Summary denials on meritorious habesas under federal
21 violations in state courts was not sufficient to rely on last court
22 decision or reason when it is [obvious] that the state court had
23 overllooked or disregarded petitiioners rights Ylst v Nunnemaker,
24 501 US 797, 806, 111 S. Ct. 2590, 115 L.Ed.2d 706(1991)'; Williams
25 v Cavazos 646 f3d 626, 635(2011); Johnson v Williams 568 US 289
26 (2012) That the state Court decision on which the Court relied was
27 not consistant- a-constructiobn constitutional decision (646 f3d
28 at 640) Summary denial can be refuted by [STRONG EVIDNECE] Kernan
v Hinojosa 136 S.Ct. 1603(2016)


CRC 5:1.13 ALL PETITIONS FOR WRIT OF HABEAS
CORPUS OR CORAM NOBIS SHALL BE ASSIGNED TO
THE PRESIDING JUDGE OF THE APPELLATE DIVISION,
CONCLUSION

1
2
3 This is not what the constitution called for under the
4 XIV Amendment regarding the loss of liberty by the denial of due
5 process from state laws that are not being applied properly. The
6 law under P.C. 1473 are clear that if there was a use of false evid
7 ence and that ruling was determined by this fasle evidence then
8 the case must be vacated and bound over for a new trial based on
9 the truth. The Superior Court denied jurisdiction, the $\frac{1}{2}$ prosecutors
10 office stated that collusory allegations without more was insuffic-
11 ient, suggesting if there was proof, then habeas should have been
12 granted.....WELL, THERE IS PROOF AND THIS COURT HAS
13 IT NOW!!!!!!!!!!!!

14
15
16
17
18
19 PRAYER

- 20 1) Grant petitioner an evidentiary hearing where experts can validate
21 the evidnece before this Court
22 2) Grant a rehearing based on the facts of this case and allow
23 the attorney general to filed oppositrions, or admit false
24 evidence was in fact used
25 3) Any other releift this Court deems sufficient

26
27 April 16, 2019


John Henry yabl;onsky

PROOF OF SERVICE

I John Henry yablonsky an adult over the age of consent and a party to this action have mailed accordjg to regular practivces of this institution a petition for rehearing. This mailing was placed into a n envelope that was postage fully prepaid and addressed tothe fil following

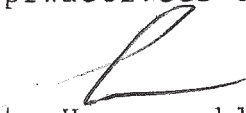
Court of Appeal
3389 12th street
Riverside ca, 92501

Attorney general
box 85266
s.d.ca. 92186

Public Defenders
14455 civic dr
v.v.ca, 92356

This was mailed on April 16, 2019 from 480 alta rd sandiego ca, 92179 according to the rules and prwactivces of the department of correction

4/16/19


John Henry yabl;onsky

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DB

APPENDIX

B

QUESTIONS OF THIS COURT

1
2 1) Is it in the interest of the state of California to
3 allow state actors who are entrusted by statute, cannons, and rules
4 of ethics regarding the handlings of evidences to "manipulate"
5 the evidences they handle into providing alternative results in
6 order to secure convictions ?

7 2) Is it in the interest of the state of California to
8 allow practitioners of law to provide less than ethical levels of
9 fiduciary duth in their respective fields regarding truth, accuracy,
10 and full disclosure when it comes to serious issues of law that
11 carry severe punishments to the accused or their clients ?

12 3) Is it in the interests of the state of California to
13 to ignore the fundamentals of the United States Constitution when
14 it comes to seeking convictions, allowing prosecutors, sheriff deputies
15 attorneys to practice their trades to less than the constitutional
16 bar set out by the amendments within the United States Constitution?.

17 4) Is it in the interest of the state of california to
18 allow members of the bar to withhold and hide evidences so they can
19 win cases when the punishments carry life sentneces, then hide behind
20 the laws of the Antiterrorism Effective Death Penalty Act so these
21 evidences will never be seen by the federal Courts ?
22
23
24
25
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27
28

OCT 09 2018

APPENDIX
B

By [Signature] Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

In the matter of

Case No. WHCJS1800338

John Henry Yablonsky, Petitioner

ORDER

for Writ of Habeas Corpus

Petitioner John Henry Yablonsky filed his latest petition for writ of habeas corpus on September 13, 2018. Petitioner was convicted of first degree murder in connection with the death by strangulation of Rita Cobb. The jury also found true the special circumstance that the murder was committed during the commission of a rape. Accordingly, Petitioner was sentenced to life imprisonment without possibility of parole. The Court of Appeal affirmed the judgment in 2013, with a modification to strike the Penal Code section 1202.45 parole revocation restitution fine because Petitioner's sentence did not include parole and Petitioner committed the murder in 1985, which was 10 years before section 1202.45 was adopted.

The facts of this murder are set forth in detail in the Court of Appeal decision, Case No. E055840 (available at 2013 WL 6271920).¹ This case involved the September 1985 murder of Rita Cobb. A wire coat hanger was wrapped tightly around her neck and knotted on the side. Rita's death was caused by both manual strangulation, as evidenced by fractures to bones in Rita's neck, and ligature strangulation, as evidenced by a wire coat hanger wrapped tightly and twisted twice around Rita's neck. Defendant was arrested in March 2009, after a sample of his DNA matched DNA from sperm cells found

NEWLY
DISC.
EVID.

¹ The Court takes judicial notice of the petition and denial order in WHCJS1700062. (See Evid. Code, § 452, subd. (d).)

1 in a vaginal swab taken from Rita's body. Petitioner's DNA, and the fact that when
2 interviewed by law enforcement officers defendant admitted he knew Rita Cobb but
3 denied having had sex with her, is the evidence that connects defendant with the murder
4 and therefore is the evidence on which the jury relied to find defendant guilty.²

5 Petitioner's case has been reviewed several times, including direct appeals and
6 numerous petitions for writ of habeas corpus in both state and Federal courts. This is
7 Petitioner's fifth petition for writ of habeas corpus to this Court. This Court denied the
8 most recent one last year. The petition acknowledges it is a successive petition, and
9 asserts it is a hybrid petition for writ of habeas corpus or coram nobis based on factual
10 innocence. Because Petitioner appealed his case he may not seek coram nobis from this
11 Court, and instead must petition the Court of Appeal for a writ of coram vobis. (See Pen.
12 Code, § 1265, subd. (a).) Accordingly, the Court construes the petition as seeking a writ
13 of habeas corpus.

14 Petitions for a writ of habeas corpus are evaluated by asking whether, if the
15 factual allegations are true, the petitioner would be entitled to relief. (*In re Figueroa*
16 (2018) 4 Cal.5th 576, 586.) If a claim for relief is not stated on the face of the petition,
17 the court will summarily deny the petition. (*Ibid.*) A procedurally defective petition may
18 also be summarily denied. (*Gomez v. Superior Court* (2012) 54 Cal.4th 293, 301.)

19 The petition is procedurally barred as "absent justification for the failure to
20 present all known claims in a single, timely petition for a writ of habeas corpus,
21 successive and/or untimely petitions will be summarily denied." (*In re Clark* (1993) 5
22 Cal.4th 750, 797.) "Before considering the merits of a second or successive petition, a
23 California court will first ask whether the failure to present the claims underlying the new
24 petition in a prior petition has been adequately explained, and whether that explanation
25 justifies the piecemeal presentation of the petitioner's claims." (*Id.* at 774.) Unless an
26 exception applies, or justification is provided, "successive petitions will not be
27 entertained on their merits." (*Id.* at 775.)

28 To the extent some of the issues alleged in the current petition were part of a
29 direct appeal from the judgement, or could have been, habeas relief is not available to
30 petitioner. Petitioner has failed to alleged facts establishing an exception to the rule
31 barring habeas consideration of claims that could have been raised on appeal. See, *In re*
32 *Dixon* (1953) 41 Cal.2d 756, 759 ("[T]he writ will not lie where the claimed errors could
33 have been, but were not, raised upon a timely appeal from a judgment of conviction."); *In*

34 _____
35 ² The prosecutor did not offer evidence from two women that Petitioner had raped them, one in 1982 and
36 another in 1996, because Petitioner did not testify at his trial.

1/2 to SEVERAL DAY
OLDER THAN
MURDER

DNA
NOT
MATCHED
TO
MURDER

FAIL TO
ADDRESS
NEW EV.

MISCOND

1134 / 1109

THIS WAS
DETAILED
EXTENSIVELY
w/ EXHIBITS TRF
COUNSEL WITNESS
DISC. FOR
5 YEARS AFTE
TRIAL

re Reno (2012) 55 Cal.4th 428; In re Harris (1993) 5 Cal.4th 813, 825-826; In re Smith (1911) 161 Cal. 208.) Moreover, claims that were raised and rejected on appeal may not be raised on habeas corpus. (In re Reno (2012) 55 Cal.4th 428, 478-479; In re Harris (1993) 5 Cal.4th 813, 825-826 (1993); In re Waltreus (1965) 62 Cal.2d 218, 225.)

ACKNOWLEDGES
PIECEMEAL DISC.
RELEASE

Petitioner claims an exception applies to his successive and untimely petition because he is actually innocent, or seeks to justify his petition on the grounds he did not obtain complete discovery until 2016. But it is now 21 months since Petitioner claims his discovery efforts were completed by finally obtaining his complete file from his trial counsel and this is now Petitioner's third petition in those 21 months. Thus, the petition is not justified based on Petitioner's discovery efforts because Petitioner could have raised any claims based on that discovery in his two most recent prior petitions.

IGNORES
PETITIONER
IS MEDICALLY
HANDICAPPED
VISUAL!

As to the claimed actual innocence, Petitioner claimed factual innocence in his 2017 petition, and the current petition again claims factual innocence. To state a claim of actual innocence a petitioner must show "evidence of innocence that could not have been, and presently cannot be, refuted." [Citation.]" (In re Reno (2012) 55 Cal.4th 428, 474.) Petitioner does not provide any such evidence of actual or "factual" innocence. Instead, the petition merely raises claims that evidence was false, the prosecutor misstated the evidence, trial counsel failed to investigate, he was denied a speedy trial, and his life without the possibility of parole sentence is unconstitutional. Not only do these claims not "approach the high bar" set by our Supreme Court for an actual innocence claim, but they are also individually subject to procedural bars.

OR THAT
THE CASE WAS
IN FEDERAL
COURT STILL
SUPREME CT.
U.S.A.

In particular, renewing previously rejected claims from a prior petition is an abuse of the writ of habeas corpus. (See *id.* at p. 453.) Even raising variations on a previously rejected claim justifies summary denial without reaching the merits. (See *id.* at pp. 455-456.) And, habeas corpus relief does not generally lie for claimed errors that were raised on appeal or that could have been, but were not, raised in a timely appeal. (*Id.* at p. 490.) Here, Petitioner's most recent petition already raised claims of false evidence, prosecutorial misstatements, and ineffectiveness of counsel for failure to investigate, and Petitioner's speedy trial claim and claim that his sentence is unconstitutional could have both been raised on appeal. Thus, both the petition and each of the claims within it are barred.

PETITIONER
FILED P.C.
1405 PETITION
FOR DNA
ANALYSIS.
WAS FORCED

The petition is DENIED.

Dated: October 9, 2018

Hon. Gregory S. Tavill
Judge of the Superior Court

TO FILE IT
TWICE, ONE TO
S.B. COURTS
ONE TO
VICTORVILLE CT

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 24 2018

By [Signature]
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

In the matter of

John Henry Yablonsky, Petitioner

for Writ of Habeas Corpus

Case No. WHCJS1800338

ORDER

EVIDENCE
OF
FRAUD

RULE
ERC
8.308

Petitioner John Henry Yablonsky filed a petition for writ of habeas corpus on September 13, 2018. This Court denied it on October 9. Two weeks later, this Court received a motion to file a compact disc, which includes a compact disc purportedly containing an audio recording used as an exhibit in Petitioner's trial.

"An order denying a petition for writ of habeas corpus in the superior court is final immediately upon its filing, and review of the order can only be had by the filing of a new petition in the Court of Appeal. [Citation.]" (*Jackson v. Superior Court* (2010) 189 Cal.App.4th 1051, 1065, fn. 5.) As this Court denied Petitioner's petition for a writ of habeas corpus, this case is now closed and this Court may not reconsider its decision based on the disc or take any other action.

The petition remains DENIED.

Dated: October 24, 2018

[Signature]

Hon. Gregory S. Tavill
Judge of the Superior Court

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5	4.....MARSDEN ADMISSION WITHOLDING RECIRDS
6	5.....FORMAL DEMAND FOR DISCOVERY SUPERIOR COURT 7/12
7	6.....FORMAL DEMAND APPELLATE COURT 5/14 7/14
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11	10.....CDCR LOG OF DELIVERY 1600 PAGES FROM SANDERS
12	11.....RECORD OF FULL DISCLOSURE BY HAL SMITH 1/29/16 (OVER 5000 PAGES)
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- 24 58.....STATE SUPREME COURT FILING
- 25 59.....DDA CLOSING ARGUMENTS
- 26 60.....JONES TESTIMONY ABOUT WHAT WAS EXAMINED
- 27 61.....NEW LAWS PASSED SENATE BILL 1909 P.C.141
- 28 61.....NEW LAWS PASSED SENATE BILL 1134 P.C. 1473
- 62.....Copy of appealet Court regarding misconduct
- 63.....Copy o fhnte 113 page transcript
- 64.....Copy of the 136 page transcript.
- 65.....Maliabile copy of the states exhibit 49(compact disc)
(This is filed seperatley with special motion)
(If the Court refuses this filing it is available
upoin request by the Court)
- 66- SANDERS ADMISSION IN ANOTHER COURT
- 67- TRIAL CASE SUMMARY
- 68- APPELLATE COURT RULING

1 John Henry Yablonsky AL0373
2 18-147
3 480 Alta rd.
4 Sandiego,ca,92179

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FACTUAL INNOCENCE CLAIM
SECOND SUCCESSIVE
ALL WRITS ACT HYBRID
HABEAS CORPUS/ WRIT OR ERROR CORAM NOBIS

CLERK FOR THE COURT
SUPREME COURT FOR THE
FOR THE STATE OF CALIFORNIA

John Henry Yablonsky;
Petitioner;

No. # _____

TRIAL COURT # FVI900518
The Honorable Judge John Tomberlin

vs.

PURSUANT TO P.C. §§ 141, 1473
SENATE BILLS 261, 1134, 1909

Patrick Covello ;
(WARDEN):
Respondent:

Attention; District attorney for
County of Sanbernardino

This factual innocence claim find this Courts jurisdiction based on newly discovered evidences that were not made available to petitioner until five years after the trial, three years after this Court made a determination. The facts and evidences supporting this claim were deliberatley withheld by trial counsel who repeatedly lied to client and Court that "HE HAD ALREADY RELEASED THESE RECORDS"

"PETITIONER IS FACTUALLY INNOCENT"

DELAY IN BRINGING THESE ARGUMENTS

1
2 Petitioner demanded these records required to defend
3 this movement from trial counsel who piecemealed the release
4 of these records from March 26, 2009, until the full release
5 made by post trial counsel on January 2016, five years after
6 trial and three years after direct appeal and habeas review
7 had expire. Explained herein

8 When the full file had finally been release they were
9 delivered to petition while he was recovering inside the medical
10 unit of the prison froma stroke he suffered on October 15, 2015
11 making immediate review and writings virtually impossible due
12 to the volumnous pages and petitioners ability to access his
13 complete files, or to read as a result of the visual impairment
14 suffered as a result of the stroke.

15 Once petitioner was able to see straight, and walk, he
16 was transfered to another prison from Calipatria state prison
17 to Centinela state prison and three months later to yet another
18 state prison in Sandiego, at R.J. Donovan where the law library
19 and other valuable resources was available to verify and validate
20 the pages that contradicted previous releases by trial counsel
21 who repeatededly stated he had delievered the entire states
22 file, just before he released others.

23 1) First release of 300 pages out of the 5300 pages of the states
24 records on June 2009 , with a note stating this was the states
25 entire file

26 AFTER THE DECEPTION HAD BEEN DISCOVERED
27 AND TRIAL COUNSEL ADMITTING HE WITHELD

28 2) Second release by trial counsel after the trial had already
ocured and injury sustained, released another 1300 pages
that were different than the first three hundred pages
MARCH 2011 AFTER PETTIKNER BEGGED FOR FILES
AFTER P.C. § 1054,9 motions and case filing

3) Third release after the state bar got involved in 2014 ordering
the release, trial counsel released another 1600 pages differ-
ent than the first 300 of the second 1300 pages. Trial counsel
vehemently argued this was finrally the complete release
to the state bar, knowing that critical papers had been with-
eld, from the states files that held 5300 pages along qwith
two compact discs of states exhibit 49 (the interrogation)

RELEASE JULY 23 2014

AFTER FURTHER PLEAS TO THE COURT AND STATE BAR
PURSUANT TO P.C. § 1054,9

4) The final release of the states entire file was released
by post trial counsel Hal Smith, releasing 5300 pages and
the compact discs on January 2016 along with letter stating
this was the entire case file (he had).

DELAY IN BRING ARGUMENTS CONT.

1
2 4) That petitioner is housed at a facility who practices
3 restrictions from the law library, limiting access to less than
4 one day a week unless there are court designated deadlines,
5 restricting access to as little as two hours one week, no access
6 some weeks,.

7 5) That petitioner is handicapped with a visual impairment
8 that impedes into regular reading skills because of his double
9 vision, due to a stroke he suffered while in custody. This impair-
10 ment is continual and currently active

11 6) That this Case involves voluminous amounts of discovery
12 as well as research, into the amount of well over 5400 pages that
13 had not been released until January 2016 while petitioner was
14 in the medical unit of Calipatria state prison. Petitionere at this
15 time was receiving threapy and trying to learn to walk again as
16 well as having to be made to re-evaluate the records he had been
17 givin prior tto that date by trial counsel who in 2009 gave 300
18 page, telling petitioner that was all the discovery. Then again
19 in 2011 g9iving petitioner another set of 1300 pages diffeerent
20 than the first 300 pages and again telling petitioner that was
21 all the discoveryt. Then again in 2014 giving petitioner another
22 1600 pages, different than the 300, or 1300 and once aghain telling
23 petitioner that was all the discovery, and then finally in 2016
24 by post trial counsel who released 5400 pages along with compact
25 discs containing more information which petitioner could not expose
26 due to the maliable material not being allowed in the prison. This
27 disc was sent to family who arranged experts to review and confirmt
28 information supporting this petition regardiunf fraud by state
actors

JOHNSON V. MAMMOTH RECREATION INC 975 F2d 604 (9c.1992)
IN RE CLARK 5 CAL.4TH 750 (1993)
PEPPER V. SUPERIOR COURT (JOHNSON) 61 CAL.4TH 696 (2015)
1 CAL.5TH 21 (2010)

THIS COURT RETAINS JURISDICTION
OF THIS MATTER UNDER HABEAS/CORAM GREAT WRIT ACT

PETITION FOR WRIT OF ERROR CORAM NOBIS

The traditional grounds for common law petition for writ of error Coram Nobis are that (1) Some facts existed, that without any fault or negligence by the defendant, was not presented to the Court at or before the trial and if presented would have prevented the rendition of judgement; (2) This newly discovered facts must not go to the merits of the issue tried; and (3) These facts must be one that could not have in the exercise of due diligence have been discovered earlier.*People v Shipman 62 C2d 226(1965); See also People v Vasilyan 174 CA4th 443(2009); People v Cortez 13 Ca3d 317(1970)

PETITION FOR HEABES CORPUS

P.C. § 1473(a)(b)(1)(2) Every person unlawfully imprisoned or restrained of his liberty, under [any] pretense what ever, may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment. A writ may be prosecuted for, but not limited to: (1) False evidence that is substancially material to guilt or sentence.

SENATE BILL 1909

Senate bill passed in 2017 and affected the language of P.C. § 141 as well as CRPC rules regarding the use of and presentations of false, altered evidences by the state practitioners (LOPEZ)(This affects P.C. 132, 134 and 118)

SENATE BILL 1134

Senate bill passed in 2017 affecting the manerism which newly discovered evidences [must] be reviewed by the Courts in California AFFECTING P.C. 1473

SENATE BILL 261

This bill passed within the same time frame affecting the sentencing courts discretuon to sentence juvenile offenders to death or life without parole sentences for first degree murder

NEW LAW SURROUNDING THE MANNER WHICH
PETITIONERS MAY MOVE THE COURT WITH NEW EVIDENCES
PURSUANT TO SENATE BILL § 1137

A states Court cannot refuse to consider "federal questions" of law regarding collateral attack in state courts on federal issues. In Re Panchot(1968) 70 Cal.2d 105. And an independant action as habeas corpus to secure discharge from imprisonment. France v. Suoperior Court(1927) 201 Cal.122;In Re Application of Jacinto(1935 CalApp.)8 Cal. app.2d 275; In Re Application of Connor(1940)16 Cal.,2d 701, cert den.,Connor v California (1941) 313 US 542.

Habeas corpus is the correct vehicle to collaterally attack a judgment of conviction which had been obtained in violation to fundamental constitutional rights. People v Soreneson(1952 CAL APP) 111 Cal. 2d 404; In Re Winchester(1960) 53 Cal.2d 528, cert. den., (1960) 363 US 852. Habeas corpus is not the correct vehicle to correct prosedural eerrors, if committed. In Re Oxidean (1961 CAL.app.2d dist) 195 Cal.app.2d 814. Habeas corpus is also available to advance contentions of denial of counsel, at least where no other remedy is available.People v Adamnson(1949)34 Cal.2d 320;In Re Levi,39 Cal.2d 41(1952). Likewise under In Re Clark,5 Cal.4th 750(1993) when newly discovered evidnece is the basis for relief or if it undermines the states case it is not enough to weaken the case or more difficult questions. Criminal judgments may be collaterally attacked onthe basis of newly discovered evidnece only if the new evidneces cast [fundamental] doubt onthe accuracy and relaibility of the proceeding. In Re Hall91981)30 Cal.3d 408; In Re Webber(1974)11 Cal.3d 703; In Re Branch(1969) 70 Cal.2d 200 (A criminal judgment may be collaterally attacked based on newly discovered evidnece:only if the new evidudnece casts doubt on the

1 accuracy and reliability of the proceeding at guilt phase. Such
2 evidence, if credited, must undermine the entire case and point unerr-
3 ingly to the innocence or reduces the culpability of the defendant
4 People v Gonzales 51 Cal.3d 1179(1990) Defense counsels incompetance
5 resulting in failures to discover and present evidence is a basis
6 for habeas corpus if it would have undermine the prosecutions case,
7 The presumption that the essential elements of an accurate and
8 fair proceeding were presented would not be applicable. None the
9 least petitioners must establish prejudice as a demonstratable
10 reality that counsel knew or should have known that further invest-
11 igation was [necessary] and must also establish that counsel failed
12 to present and discover, then prejudice is established if there
13 is a reasonable probability that a more favorable outcome would
14 have been the result of this evidence had it been presented.
15 Strickland v Washington 466 US 668(1984); People v Gonzales, supra,
16 51 Cal.3d 1179; People v Williams, supra 44 Cal. 3d 883. The incompet-
17 ance must have resulted in the unfairness of the proceeding or an
18 unreliable verdict. Lockhart v Fretwell(1993) 506 US[122, 113, s.ct. 838

- 19 Newly discovered evidence is outlined by People v Malley
20 62 Cal.4th 944(2016);
21 1) That the evidence, and not merely its materiality be discovered
22 2) That the evidence not be merely cumulative
23 3) That it be of such as to render a different result probably on
24 a retrial of the cause using the new evidence
25 4) That the party could not have within reason and due diligence
26 have discovered and produced it an an earlier time or at trial.
27 ~~xxxx~~ 5) That these facts be shown by the best evidence rule of which the
28 case admits

26 In Re Miles(2017) 7 Cal.5th 821 Effective January 1, 2017
27 the burden of proof in a "new evidence" habeas corpus claim is sig-
28 nificantly lower. [New evidence] is "evidence" that had been dis-

1 covered after the trial that was not discovered by the petitioner
2 and could not have been discovered as a result of omission, decept-
3 ion to provide access to through the exercise of due diligence by
4 petitioner prior to or during the trial. That these [evidences]
5 were not discoverable until after appellate procedures and would
6 have been admissible, not merely cumulative, corroborative, and
7 collateral impeaching standards in motion for new trial under Calif-
8 ornia law (MILES)(Holding that third party confessions qualifies
9 as new evidence justifying relief. What qualifies a s [new] evidence
10 new facts made available after trial that are credible. Testimony
11 tending to prove facts are evidences if they are admitted at trial.
12 Bermudez v. Cioek237 CA4th 1311(2015). Fraudulent checks and false
13 statements used in court met statutory definition of [evidence]
14 they were writings created for the purpose and could be used to
15 disprove facts.People v Gallardo, 239 CA4th 333(2015) A document
16 does not lose its status as [evidence] because a party does not
17 comply with procedural processes required for submission, and a
18 Court may consider evidence that was not submitted in compliance
19 with procedural rules if no objection is made or upon showing a
20 good cause [239 CA4th 1346] The term of [due diligence] and reasonable
21 diligence are essentially interchangeable. (CITATION)

22 As described earlier and discussed in full later, petitioner
23 had been diligent in making formal efforts to gain access to the
24 states discovery from the very first time he met trial counsel
25 Geoffery Canty and when he was replaced David Sanders. (see
26 exhibits 1-4) That petitionere was made to beg for the state records
27 before the trial ever occured, asking for specific files related
28 to the charged offense that included police reports, witness state-

1 ments , and the entire investigations throughout the life of this
2 crime, being it had been 25 years old before petitioner was ever
3 charged. (see exhibit 2) Trial counsel pilfered through the volumn-
4 ous pages of over 5300 pages and [chose] to release only 300 of
5 the pages on June 2009 two years before the trial telling petitioner
6 this was the states entire records. Once discovered there were
7 "BUNDLES" that outnumbered the 300 pages by 15 times petitioner
8 made "FORMAL DEMANDS". Not until after the trial were any of the
9 remaining 97% of the states files release, and then again after
10 petitioner was made to beg for them. (see exhibit 4) Trial counsel
11 David Sanders (SANDERS) then released another 1300 pages that were
12 differtent than the first 300 , while still withholding almost 4000
13 pages froma client that pplead innocent and not guilty fromthe
14 very first plea. After the trial counsel made a second release
15 on March 2011. After sentencing petitioner motioned the Courts
16 and plead to state bar for this discovery, while litigating his
17 case thatwas on a time clock. After state bar got involved (see
18 exhibit 9) Sanders then released another 1600 pages and continued
19 to wityhold these facts that had been related to the states case
20 and made this release on July 2014. (see exhibit 10)

21 This third release was made after direct appeal had been
22 made and denied, after state habeas corpuses had been made and
23 denied, locking these facts out of the records becuase of the trial
24 counsels absolute incompetance. Post trial counsel was contacted
25 about the language and filing under P.C.§ 1054.9 and on January
26 29, 2016 Hal Smith(SMITH) provided petitioner with the states entire
27 file along with a compact cisc that was created fromthe interrogat-
28 ion held on 3/8/09 and filed as states exhibit 49(FVI900518)

1 These voluminous pages were directly related to the charged
2 offense and were very different than the first 300 or second 1300
3 and needed to be evaluated and verified and researched. Petitioner
4 was in the medical unit of CDCR recovering from a stroke when
5 this release came, and even though petitioner had been litigating
6 this matter, was complicated because of the medical inconvenience
7 and impairments that a stroke renders upon people. Petitioner was
8 immobile without assistance, and was visually impaired with double
9 vision. (see exhibit 69) During these inconveniences and inter-
10 ferences that were out of petitioners control, he was then moved
11 to another prison after the stroke on 10/8/15 to Calipatria on
12 or about 11/10/15 for therapy and treatment as well as hospice
13 housing. On or about this time the law library resources had been
14 out of direct access and with medical complication afforded very
15 little progress after the release of these facts on January 2016
16 to be verified . Petitioner was then again moved back to Centinela
17 on or about March 2016 so that he could be transferred to another
18 prison for high risk permanent medical housing in June 2016. These
19 repeated transfers include separation from legal files for lengths
20 that ranged from two weeks to three because of the transfers. Finally
21 petitioner arrived at his current housing which would allow him
22 unfrustrated review, research and other fact verifying procedures
23 which included motions to the Court under P.C. § 1405 regarding
24 the DNA that were at the scene, different than petitioners DNA
25 and carried material values about who actually committed the crime.

26 Petitioner was finally capable of preparing a valid and
27 intelligible habeas petition into the Superior Court on September
28 9, 2018 which was denied against standing rules, laws and constitut-

1 ionally protected rights that occurred before, during and after
2 trial, resulting in an absolute miscarriage of justice, reducing
3 this case to a farce and sham. Petitioner so moves this Court under
4 the statutes and laws surrounding these constitutional violations
5 caused upon him under the blanket of actual innocence, and gross
6 misconducts by government bodies.

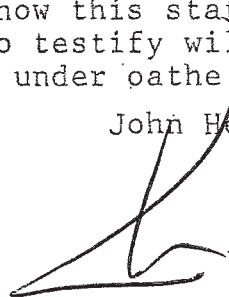
7
8 VERIFICATION

9 I John Henry Yablonsky an adult over the age of 18
10 and a party to this action and narrator of this
11 allegation said forth regarding withholding evidences
and according to belief know this statement as
the truth and if called to testify will submit
the same in a court of law under oath.

12 ~~November 4, 2019~~

John Henry Yablonsky

13 July 12, 2019



14
15
16 DUE DILIGENCE IN DEVELOPING
17 THE FACTS SURROUNDING THIS MATTER

18 Upon arrest for a serious charge petitioner was inter-
19 duced to his trial counsel from the public defenders pool named
20 Geoffery Canty (CANTY). Petitioner requested the states entire
21 file and this request was recorded by Canty. (see exhibit 1)
22 In the discussion with Canty several strategies were discussed
23 to protect petitioners innocence, while Canty revealed there was
24 serious issues with the case, and the facts surrounding the crime.
25 Canty revealed;

- 26 1) There was a confession to the crime
27 2) There was other culpable parties who had committed
suicide.
28 3) The interrogation would be transcribed for the 3/8/09
interrogations

- 1 4) There were hundreds of police reports since 9/23/85
- 2 5) There were issues regarding petitioner's DNA found at
- 3 the scene but they had been cleared from the time
- 4 the crime had been committed
- 5 6) There were witnesses who seen Mrs Cobb at a bar the
- 6 night she had been killed
- 7 7) That there was absolutely no evidence showing petitioner
- 8 had committed the crime

9 On or about May 2009 Canty had been replaced with Sanders
10 from the same public defenders pool. Upon first discussion inside
11 the courtroom petitioner made demands for the states entire
12 case files so he could make reliable choices and decisions from
13 regarding his defenses in this matter. By June 2009 Sanders
14 had not released one piece of paper, after being told Canty
15 did not release the case files either forcing petitioner to write
16 a formal demand letter for evidences he believed would be useful
17 asking pertinent questions about the case, defenses, and possible
18 trial strategies. (see exhibit 2) The list of requests are as
19 follows;

- 18 1) How are investigations doing
- 19 2) Was the 25 year old DNA tainted
- 20 3) Who gathered evidences, were they trained, certified
- 21 4) Possible conviction category
- 22 5) Weaknesses in the case
- 23 6) Who was the judge
- 24 7) Sentence alternatives
- 25 8) What experts specialist were going to be available to us
- 26 9) Can we disprove the states case
- 27 10) Can I get the states entire file
- 28 11) Do you have all the discovery
- 12) Does the prosecutor have trial experience
- 13) Can he get a court order to allow me to collect these records

1 Sanders released 300 pages of the states files on June
2 2009 and incluiecx that this was everything petitioner had asked
3 for and that he only held back DNA records related to petitioner
4 because they would only confuse petuition. (see exhibit 3) These
5 files held one 113 page transcript tothe 3/8/09 interrogation as
6 well as other police reports that were created in 1985./ Once reading
7 these records petitioner contacted Sanders fromthe county jail phone
8 under booking #0903341068 to phone number (760-241-0413 asking why
9 the interrogations transcripts were innaccurate. Sanders responded
10 that they were only interpretations and if the case went to trial
11 they would use verbatim., After trial and the degree of deception
12 had been discovered petitioner demanded the entire states case
13 files . After the trial and during a marssden hearing regarding
14 counsel incompetance Sanders admitted that he withl eld these recor
15 until his client had to beg for them. (see exhibit 4) .After
16 the begging Sanders released another 1300 pages different than the
17 first 300 on or about March 2011. Post trial filings were made to
18 gain access to these evidences that at this point showed there
19 was serious relia**co** bilities issues with the states czase that had
20 convicted an innocent man;

- 21 a) Habeas corpu was filed requesting records #WHCSS1200311
22 (see exhibit 5) This reqwuest was denied by superior court
23 b) Habéas corpus was filed demanding states records with the
24 Copurt of appeal. This was denied twice (May 19,2014)(July 7,
2014 (see exhibit 6)
25 c) Petitioner moved the state bar under P.C. °§ 1054.9 on January
26 21, 2014 asking several parties for these trecords (see exhibit
27 See exhibit 7) Case #14-17946 was appointed (see exhibit 8)
28 d) On July 2014 petitioner received anotheer 1600 pages that were
different than the first and second releas while in state prison.
(see exhibit 9+10)

- 1 e) After several motions, letters, and cases without full disclosure of the states file petitioner contacted post trial counsel
2 Hal Smith who released the states entire file of 5300 and
3 a compact disc on January 29, 2016 (see exhibit 11)
- 4 f) After the files had been released, there were validation
5 practices to be made and authentications of the voluminous
6 pages that contradicted the first(300) second (1300) Third
7 (1600) Petitioner filed over 400 letters and motions to Courts
8 and legal representing parties to challenge the authenticity
9 and validity of the states records (see exhibit 11A)
- 10 g) Petitioner filed two separate habeas petitions under P.C.1405
11 to validate and have examined expertly the states DNA that
12 were on relevant locations;
- 13 a) Murder weapon
- 14 b) The victims bedroom door jamb inthe victims blood
- 15 c) The red hairs withthe entire roots attached while pwetit-
16 ioner was a blonde suspect.
- 17 d) The watchband pin located underneath the victims head
- 18 e) The cigarette butts located ina common area of the scene
- 19 f) In the fingerprint locate on the counter of the kitchen
20 that did not match petitoioners print

21 After these examinations by a man locked away fro legal
22 research materials and allowed absolute minimal access to legal
23 resopurces, petitioner filed a secind habeas petition to the superior
24 Court on September 13, 2018 arguing facts, that if true would
25 avail petitioner relief according to habeas laws outline by state
26 and federal statutes, laws, rules and consitutuional sdafegaurds.
27
28

DIRECT APPEAL ARGUMENTS

(see exhibit 52)

- 1
2 I.....The trial court committed prejudicial error by not instructing
3 jurors regarding murder and special circumstance
4
5 II.....The trial court abused discretion regarding similar third
6 party culpability issues regarding a similar case.
7
8 III....Trial court improperly excluded evidence of victims promiscuity
9
10 IV....Trial court improperly excluded hearsay evidence of Cobb inviting
11 other men to her home
12
13 V.....Trial court abused its discretion regarding third party hearsay
14 regarding last words of victim which she told another party
15 about her destination
16
17 VI....Erroneous admission of evidence regarding prior accusations
18 that were never charged were prejudicial error
19
20 VII...The Court gave an erroneous instruction regarding deadlock
21 after they declared they were solid in their votes
22
23 VIII..The Court erroneously interrogated the jury foreman out of
24 the presence of trial counsel, and in front of standing counsel
25
26 IX... Trial court committed prejudicial error by denying new trial
27 motion regarding IAC ,applying incorrect standard
28
X.....Trial court erroneously denied recusal motion where county
district attorney used petitioners case in campaign smear
XI....In effective assistance of counsel while counsel failed to
file for a change of venue motion in light of the media coverage

THIS APPEAL WAS DENIED ON ALL PARTS REGARDING THE STATE RECORDS
WHICH THIS SET OF FACTS AND RECORDS CONTRADICTS

SUPERIOR COURT HABEAS CORPUS
DENIED FOR LACK OF JURISDICTION OR FAILURE TO PROVIDE PROOF
(see exhibits 53-57)

- 1
2
3 I.....County prosecutor prejudice entire venire by using petitioners
case in re-election campaign smear
- 4 II.....That opetitioner was interrogated and that recording was altered
5 before showing it to the jury
- 6 III...Ineffective assistance of counsel for failure to investigate
evidences
- 7 IV....Prosecutor committted misconduct by submitting false testi-
8 mony with three witnesses(Nash)(Sullivan)(Alexander)
- 9 V....The officers committed violations under fourth amendment
interrogating outside MIRANDA
- 10 VI...There was insufficient evidnece to support the verdict
- 11 VII...Trial counsel conspired to alter evidences before they presented
12 them to the jury
- 13 VIII..Trial counsel was ineffective foir failing to investigate
two of states key witnesses
- 14 IX....Trial counsel was ineffective for failing to object to perjured
15 testimony of states witnesses
- 16 X.....Trial court expressed prejudicial error denying motion
17 for new trial and refusing petitioner right to represent
himself
- 18 XI....Trial court committed prejudicial error for failure to grant
marsden hearing motion after trial had already occured
- 19 XII...Trial court committed prejudicial error for not allowing
20 trial counsel to not be present at all tuime of critical
21 stages of trial.

22
23 Petitioner moved the court twice for release of discovery
24 which were necessary to defend the prima facie arguments, which
25 were ignored and refused. After breifing in habeas and direct appeal
26 petitioner moved the superior court to expand the records by adding
27 thirteen more grounds. *THAT REQUEST WAS DENIED AS WELL*

28 THIS HABEAS WAS DENIED FOR LACK OF JURISDICTION OR FAILURE TO PROVE
THESE RECORDS HEREIN WOULD HAVE SUPPORTED THAT PETITION!!

IS INNOCENCE RELEVANT ??

1
2 There are two historically unassailable answers to the
3 question presented by Judge Henry Friendly used in [key] points
4 regarding habeas corpus. "Is innocence irrelevant?" As Justice
5 Powell stated "Yes " innocence is irrelevant. History reveals no
6 exact tie to the writ of habeas corpus with a constitutional claim
7 relating to innocence or guilt.

8 Habeas corpus is not a means for curing factually innocent
9 claims or erroneous convictions. What we have to deal with is
10 not the petitioners innocence or guilt, but [solely] on the question
11 whether their constitutional rights have been "PRESERVED".

12 The Supreme Court accordingly has not hesitated to grant
13 habeas corpus relief when there was little question that the consti-
14 tutionally wronged petitioner was guilty or to deny such relief
15 when there was reason to believe the petitioner was innocent but
16 when no constitutional error was found in the process, then yes
17 innocence is irrelevant. In fact the arguable ground that habeas
18 petitioner apparent guilt should heighten, not cut off or diminish
19 the scrutiny of the procedures by which he was convicted and
20 sentenced. As used in this country, habeas corpus has been important
21 means by which the availability of federal court review of the
22 state court imposed incarcerations check "THE RELEVANCY OF A LOCAL
23 SPIRIT" and the dangers of federal laws and rights inherent granting
24 jurisdiction of the national causes.

25 The second historically correct answer to judge Friendly
26 question is that [NO] innocence is not irrelevant. The fear that
27 an innocent man liberty, or worst, their death be forfeited because
28 of unfair proceedings has long been recognized as one, among others
29 circumstances that makes issuance of the writ most [felicitous].
30 Indeed it would not be surprising to learn someone could learn,
31 that the subject of habeas cases in which relief was actually
32 granted included more than a proportionate share of cases which
33 innocent have been convicted..

34 Nor can this second answer be passed off entirely;
35 as reflective of lawless willingness to find constitutional violat-
36 ions in cases involving the apparent innocent petitioner, when
37 no violations would be found were the petitioners more obvious
38 [guilt].

39 The Courts have properly sought to take the effect that
40 innocent persons may have been convicted (or the blatantly blame-
41 worthy person has been convicted of an offense other than the
42 one for which he was blamed) as one, among others, have indicators
43 that an unconstitutional breakdown in the process occurred. Accord-
44 ingly as a matter of [fact and law] the petitioners [possible]
45 innocence is clearly [RELEVANT] and counsel for petitioner with
46 colorable claims of innocence, or in which cases the state may
47 have violated a right tied to the accurate ascertainment of guilt
48 is obliged to make that fact plain to the habeas court.

THE LONG AND SHORT OF THIS IS INNOCENCE IS RELEVANT IN THIS CASE

STATEMENT OF THE CASE

1
2
3 On March 8, 2009 states prosecutor Michale Ramos(Ramos)
4 filed charges against petitioner alleging that he committed murder
5 upon Mrs Rita Mabel Cobb on or about September 21, 1985 after
6 she left a drinking party . Prosecutor filed P.C. § 187 charges
7 of murder in the first degree, which petitioner entered a [NOT
8 GUILTY[plea at arraignment on or about March 11, 2009. The state
9 then filed amended papers after the preliominary hearing alleging
10 enhancements to include P.C.§. 190.2 alleging that petitioner committee
11 this murder while inthe progres s of rape or attempted rape.

12 Petitioner entered another plea of not guilty at the
13 arraignment in Superior Court. The trial occured almost two full
14 years later after arrest, finding petitioner guilty of the charges
15 filed inthe amended complaint. Timely appeals had bene filed and
16 this Court denied that appeal excpet for the parole revocation
17 restitution pursuant to P.C. § 1202.45 of \$10, 000 and affirmed
18 the conviction on all other matters according to the records before
19 the court.

20 THESE RECORDS HEREIN ARE COUNTER PRODUCTIVE TO THAT DECISION
21 AND SHOULD BE CONSIDERED HEREIN ACCORDING TO PROOF

22 UNDISPUTABLE
23 FACTS SURROUNDING THIS CASE THAT ARE
24 STATE CREATED RECORDS SUPPORTING PETITIONERS CLAIMS HEREIN

25 In the months prior to Mr. Yablonsky and his family moving
26 to the h igh desert, Petitioner had been releived of his duty
27 as a soldier in the United St ates Army and was discharged from
28 service with honorable mentions.

1 Petitioner started a construction company with his father
2 George Yablonsky and stayed at the family home until they could
3 locate a place of their own. In about May 1985 petitioner moved
4 into Mrs Cobbs rental with his wife and son. Prior to moving into
5 the cottage Cobb had placed an intercom system between the house
6 and cottage for conveniences, as well as Cobbs pique interests to
7 listen in on conversations in the back cottage without them knowing.

8 Cobb could operate the intercom system from the main house
9 without the assistance of the back, or them knowing it had been
10 activated. It was over this system that Cobb had listened into the
11 couples arguments. Petitioner had been married to his wife for three
12 years at this time, and she had already been having extramarital
13 affairs by this time, which instigated the marital arguments. When
14 these arguments would occur petitioner would take his then wife
15 to her grandparents for a weekend to chill the tempo of relation-
16 ship where things would cool down. Petitioner's wife Holly's grandparent
17 lived in Downey California, over 160 miles away. Petitioner returned ^{WHILE}
18 home.

19 Petitioner's job enlisted a series of trades in the constru-
20 ction field that took the company to several counties around the
21 southern California region, which at times took as much as 15 hours
22 per day, and others the entire week, to save on commute time. It
23 was during these stays out of town that the couple argued more
24 when petitioner had returned, causing him to deliver Holly to her
25 grandparents for "another week end". It was later determined that
26 this trip to Downey was when Holly would exercise her infidelity.

27 As the time moved on Cobb and petitioner became friendlier
28 possibly due to the arguments Cobb listened to over the intercom,
and became friends. Some time around June another argument occurred.

1 and as usual Holly was taken to Downey another time. It should be
2 noted that the arguments began by Holly's allegations that just
3 because petitioner was gone from the home for such long period during
4 the day that he was cheating on her, which was "untrue". Holly would
5 accuse petitiønr of cheating with virtually every woman the couple
6 encountered. The grocery store chashier, fast food attendants, gas
7 station cashier and even her ~~own~~ cousin who visited regularly. This
8 list of accusatiuons included women petitioner did not even know
9 as well as their landlord Mrs Rita Cobb. The affair between Cobb
10 and petitiønr began upon the return from ^{TAKING HIS} wife Holly to Downey
11 one more time. The affair started around June or July 1985.

12 Shortly after the affair started between petitiøner
13 and Cobb, petitioner located another home that was larger because
14 Holly had been pregnant, and the rental they shared behind the Cobb
15 residence was only a single cottge, not large enough for a family
16 of four. Another home was located about a mile up the street from
17 the Cobb residence on Highway 18, between Big Bear citay and Lucerne
18 Valley. At the time of the move Holly had been about 6-7 month
19 pregnant with their daughter who was to be born around September
20 of 1985. After the move the affair between petitioner and Cobb ,
21 although irregular, continued.

22 By the month of September petitiøner and his father
23 started another job that took the company far out of town which
24 required all week stays and returns home for the week ends. It
25 should also be noted that petitioner had purchased a small sedan
26 for the wife so that she could get around town while petitioner
27 was out of town on work. It was a Ford pinto and was dark blue two
28 door, but in excellent condition, which holly had available.

1 Holly had been due almost any day the doctors said, by
2 mid month of September, and the couple decided that it would be best
3 to take Holly to Downey to stay with her family in case of emergencies
4 with the delivery. It should also be known that petitioners new
5 home was located on a rural street outside of town that equaled
6 a wash because of the terrain and weather conditions in that area
7 which would have posed emergency team arrivals if she went into
8 labor while petitioner was out of town. So the week of September
9 13, 1985 the couple drive Holly and their son to Downey where
10 petitioner was to pick her up after petitioner had completed the
11 job that following week.

12 The job had ended by mid-week and petitioner was excused
13 from the final stages of the work, installations of door knobs
14 and other hardware, so that he could pick his wife up. It was on
15 or about September 18, 1985 that petitioner drove back to his house
16 to clean up and make ready for their trip to Downey to collect
17 the family and return to Lucrene. It had been around ^{1-2 PM.} ~~noon~~ when
18 petitioner got home. After packing a bag with clothes for the rest
19 of the week for himself, petitioner stopped at the market on his
20 way out of town to buy drinks and snacks for the 160 mile drive
21 that lay ahead. While in the Lucrene Valley Market petitioner bumped
22 into Cobb who was already at the cashiers, who asked if petitioner
23 could stop by her place, elluding she needed something fixed.

24 Petitioner balked stating he was going to Downey
25 to pick up Holly and Cobb pled it was an emergency, stating she
26 was going to have a party that night and her bathroom was not working
27 properly. Petitioner agreed to take a moment after he was done at
28 the market, but remined Cobb he was ina hurry.

1 When petitioner drove into the Cobb horseshoe driveway
2 he seen Cobb had a visitor who drove another small truck, similar
3 to a ford pickup(small) parked in front of the cobb residence. Cobbs
4 cadillac was parked in her garage with the door opened. When petitioner
5 got to the front door which stood wide open he entered the home,
6 but did not notice Cobb in the front rooms, and walked to the bathroom
7 area at the far ~~side~~ ^{RIGHT} side of the house. Petitioner looked into the
8 issues explained vaguely by Cobb, and checked the sink and toilet
9 to see what needed fixing. All plumbing issues were working correctly
10 and when petitioner returned to the front area of the house he noticed
11 two women engaged in a kissing session by the couch in the living room
12 area. One of the women was Cobb and the other petitioner did not
13 know. Petitioner was summoned over, and without a single thought
14 about priorities entertained the invitations.

15 The three adults engaged into sexual congress that
16 started in the living room area and moved to the dining area where
17 there was a dining table and desk saddled near by. The other woman
18 was a blonde ~~with~~ ^{side} with endowed chest and may have said her name but I
19 am, not able to recall. The three rotated sexual activities with
20 both women trading from desk top to table seating and in this time
21 that could ~~have~~ have last more than fifteen minutes, seemed like
22 an hours long session of sex. It was at this point the blonde bomb ~~shell~~
23 shell stated she wanted me to meet her husband, ~~while~~ ^{while} Cobb added
24 he would like me. Petitioner was not in the same idea and felt
25 that a man walking in on another man ^{HAVING INTERCOURSE} digging into his wife would
26 be disturbing. This thought came when the blonde stated her husband
27 was on his way there now, and almost immediately petitioner withdrew
28 and explained he had to leave and would not stay. Petitioner went

1 to the bathroom and washed himself and then returned to dress. As
2 he dressed the women were still engaged in the sex acts and as
3 petitioner walked out of the front door, noticed that both women
4 were still having sex at the desk area and were alive.

5 Petitioner drove to downey and worried that Holly would
6 smell the sex on him when he arrived, but after the long drawn
7 out affairs by Holly did not give that worry much attention. Petition-
8 ioner noticed that it had been after four in the evening while
9 he was on the freeway as he made the 160 mile drive. Almost happy
10 because he had more than equaled the score between Holly's infidelity
11 with someone she went to school., with and petitioners experience
12 with two women. (RT317)(Criminalist Jones)(That the sex occurred
13 several days before Cobb had been killed)(RT490)(Dr. Saukel the
14 pathologist)(That the sex occurred as much as one and a half days
15 before Cobb had been killed) It was noted that Cobb had a party
16 that night at her house and then attended another party that Friday
17 just up the street where four other friends of hers witnessed her
18 there alive. Mrs Cobb was located in her home on September 23,
19 1985 by her son who stated he had been called Friday September
20 20, 1985 asking him for help, because someone had scared the hell
21 out of her.

22 Investigations ensued as a result of this crime, to
23 include the following. On September 23, 1985 Joseph Saunders stated
24 he had been to the Cobb residence looking for Mrs Cobb. He told
25 officers that he had learned from friends where she lived, and
26 drove the town looking for her Cadillac. He stated that when he
27 seen he car parked in front of her house, he parked his car on
28 the highway, over 100 yards down hill and walked up to the Cobb
house.

1 He stated that he arrived uninvited and without asking, which
2 interested the officers. First Cobb had a home without any fences
3 and the driveway was a horseshoe shaped that started at two locations
4 off the highway leading to the house, yet this man parked his vehicle
5 on a highway that had burms and were not designed for parking, and
6 then walked uphill for over 100 yards to see a woman he barely
7 knew, did not know ~~where~~ she lived, and was uninvited. (CT78)
8 (exhibit 12) Joseph Saunder (Saunders) stated he spoke to Cobb
9 while he stood on the front porch, after she offered him a glass
10 of water to drink. He stated that she had made a call for about
11 a minute and then received another call that last longer during
12 this encounter.

13 Saunders then told officers that she had mentioned how
14 nice it was to live near friends, and then identified a car driving
15 by, telling Saunders it was her friend Pinkie (Francesca drake/
16 Sullivan) He stated that Cobb offered to attend a party ^{later}
17 and invited him to come. Saunders stated when he arrived at the
18 party they picked pistachios and he only stayed a short while,
19 but when he left, that Cobb had invited him to a platonic relationship
20 and asked if he wanted to come by her place after the party. Saunders
21 stated he did not go. He added that in his opinion Cobb had not
22 been drinking(?????) (Everyone said she was more drunk than usual)
23 (CT110,111) It was later determined that Saunders had committed
24 suicide about three months after the Cobb murder. Officer located
25 a journal about Saunders feeling for Cobb and also took notice
26 that a change had been made ~~de~~ to his will. They also located a journal
27 created by Saunders. (CT140) Officers believe Saunders to have
28 something to do with the Cobb murder.

1 It was noted that Mrs Cobb had been found by her son
2 Darylll Kramer and his wife Marta who was at one point his sister
3 through marriage. Kramer stated he arrived around 11;30 a.m.
4 ~~after~~ trying to contact her and finding her unavailablity odd.
5 He offered that she ~~had~~ called that Friday prior asking for his
6 help. (CT4). The officers that arrived determined Cobb to be wearing
7 her jewelry which included a watch. Laying next to her head was
8 a watch band pin that was yellow colored. (CT13) They locatred
9 smears of blood on the bedroom door jamb (CT9-20). They also took
10 notice to tire prints in the Cobb driveway. Detective Tuttle inter-
11 ciewed Kramer who stated his only reason for the visit ~~was~~ the
12 distress call, and that he had driven 25 mile from his home to
13 check up on her. Kramer offered the officer that his mother liked
14 to drink and had a Jeckel and Hyde personality when she drank,
15 adding that the last time he seen her was about si x weeks priot
16 to this incident.(CT61) Mr Kramer was reinterviewed by Detective
17 Knapp and added that his mother (COBB) liked to drink alot and
18 that she would frequent the local bars and as far away as 20 miles
19 to Apple Valley. He also added the last boyfriend Cobb had was
20 named Berdard. (CT77) Years later Kramer was reinterviewed by detect-
21 ive Myler, and told the officers his mother dranid alot and would
22 frequent the bars and flirt with men younger than she. Adding
23 her Jeckel and Hyde personality. (CT77.) Kramer than offered that
24 he knew his mother to be sexually involved with a man up the streret
25 ~~name~~ name John Sullivan, and could not think of anyone else at this
26 time about his mothers sexual appetites.(CT60-82) Kramer also offered
27 that he had married his step sister Marta. (CT138) Marta Kramer
28 was interviewed and offeered that Cobb drank alot and frequented

1 alot of bars, and that the last time the couple seen Cobb was about
2 six weeks prior to the murder.(CT74-76) Detectives interviewed
3 another man from ~~town~~ known as the local propane serviceman who
4 offered that the last time he: seen Cobb was about six weeks prior
5 to her death. That when he arrived at the residence, he interrupted
6 Cobb being beaten by someone that had a beard. He stated that
7 when he interrupted the attack on Cobb , he ~~learned~~ that the attacker
8 was her own son Daryll Kramer. (exhibit 15)

9 Officers also spoke to a man named Don Stow, who lived
10 across the highway from the Cobb house and offered his belief
11 Cobb was a "ball buster" drunkard. He stated he remembers hearing
12 a fight between Cobb and Frank Strump late one night while Cobb's
13 screams could be heard through the night. (CT63) Mr. Stow later
14 offered to another detective that he remembers seeing a flat
15 bed truck in the driveway on or about September 19th or 20th. Telling
16 officers he can remember seeing Cobb so drunk that he seen her fall
17 from her car door as she fell into her dirt driveway. (CT114)

18 The neighbor John Sullivan offered that the last time
19 he seen Cobb was at his party that he held on Friday September 20,
20 1985. He stated she arrived drinking a bottle of burboun and when
21 she finished with that he gave her some white lightening. He stated
22 he fell asleep around 10;30 p.m that night which had been corroborated
23 by his wife Francesca . (CT65,266) The same detective interviewed
24 Francesca who offered that she recalled Cobb leaving the party
25 around 11;30 p.m. that Friday September 20, 1985 night, telling
26 her that she liked to visit the local bars. Francesca offered
27 that Cobb always seemed to be lonely, and like to date men, and
28 that she drak alot. Offering that Cobb was not particular about

1 the age of the men she dated, and added that she would become caustic
2 when she was drunk. (CT66) (exhibit 14) There were two other people
3 at the Sullivan drinking party that September night. Bruce Nash
4 and Cynthia Hooper. Bruce Nash (Nash) offered that he arrived
5 at the party around 7:00 p.m. and left around 9:45 p.m. that same
6 night. He stated he recalled Cobb being drunker than usual and
7 decided to offer to drive her home while his wife Cynthia followed.
8 He states that Cobb refused the offer to drive her home, and that
9 she returned that she was not going home and was going to a bar
10 called the Zodiac lounge instead.. (CT117) Nash was reinterviewed
11 ~~25 year later~~ where he offered that Cobb had been drinking white
12 lightning and that he and Cynthia hung out at the party till around
13 9 or 10 p.m. that Friday night. He restated that he believed Cobb
14 to be more drunk than usual and offering her a ride home while
15 his wife Cynthia followed in her car. Nash restated that Cobb refused
16 the offer and stated she was not going home and was going to a
17 bar called the Zodiac lounge instead. (CT271)(exhibit 13). Nash
18 recalled the boyfriends Cobb had had, naming Bruce Lee, Berdard,
19 Art Bishop, and John Sullivan to name a few. (CT272) (exhibit 13)

20 Officers spoke to a bartender named Dawn Dismore who stated
21 she recalled Cobb, and that she last seen her drunk but it was
22 not on Friday or Saturday night. (CT107) This bartender also added
23 that the night Cobb had been killed she was working behind the bar.
24 (exhibit 15) While at the same bar, officers ^{SPOKE} to several patrons
25 to include Ronald Kobbs, which was explained earlier in this petition.

26 Interestingly enough the sheriffs got a call from a man
27 named Gregory Randolph who stated he had been told the sheriffs
28 were looking for him, to get his help solving this crime.

1 The officers invited him to come on in and talk about
2 it. When Gregory Randolph (Randolph) arrived he explained that
3 he had been told by his friends that they needed his help to solve
4 the murder. He told officers that it had been two weeks since he
5 last seen Cobb, which was when he visited her at her home on
6 his way down from the mountain. (CT66)(exhibit 16) What makes this
7 contact so interesting is that none of the officers ever asked for
8 this mans help, which ~~struck~~^{STruck} the officers ~~and~~^{as} suspicious. When this
9 man arrived they spoke for some time and after Mr Randolph left
10 they collected his cigarette butts to have them processed some time
11 later.

12 After some time later, a report was made to the We-Tip
13 organization that offered police information about a man who had
14 allegedly confessed to the murder of Rita Cobb. The report gave some
15 details about the crime that had not been made known to the public
16 which made this report strikingly odd, but not because someone reported
17 it. It was that the person who allegedly confessed was this man
18 Gregory Randolph himself. He told party goers that he met Cobb at
19 the Zodiac Lounge on Friday night and took her home. He then told
20 them that they got into an argument about her ~~sexual~~^{Lack of} appetite for
21 Randolph who then strangled her to death and then performed sex
22 acts on her. (see exhibit 16) (CT326) The report came three years
23 after the murder. Because of the nature of Randolphs employment
24 with the county coroners office for Sanbernardino, sheriffs assigned
25 a code name for him as (William Backhoff) and placed this onto all
26 investigations relating to Cobbs death and Backhoffs related reports.
27 (CT110) With the confession report coming on August 6, 1988 the
28 special investigations began on August 10, 1988. (CT978)

1 Officer Baird from scientific division placed a "RUSH"
2 order in for the processing of the forensics from the Cobb crime
3 scene, which to date, then, had not been processed at all!!!! This
4 request came asking for evidences related to two specific murders
5 that had been typed as serial, including Rita Cobb and Helen Brooks.

6 The request was related to Backhoffs involvement in both
7 cases asking for comparison with the DNA that had been collected
8 from, the 9/26/85 interview at the Lucrene Valley sheriffs station.
9 (cigarette butts left at the sheriffs station) That same day officer
10 McPhail processed these cigarette butts with the crime lab requesting
11 physical examinations so they can be typed with both Cobb and Brooks
12 murders. (CT 751) They were processed through the regional laboratory
13 for forensics (CT753) where examinations ensued (CT 910, 895, 922,
14 993, 994, 996, 995,) The three butts from the station interview
15 were matched to cigarette butts located at the crime scene on Sep-
16 tember 23, 1985. Matching Gregory Ransdolph ,William Backhoff to the
17 crime.

18 On 8/9/88 officer Palacios visited Mr Backhoff at his
19 trailer and did a field interview for suspicious behavior and possible
20 evidences confirming the confession report. While talking to Backhoff
21 at the trailer the behavior and activity of Backhoff led officers
22 to believe they had enough to get an arrest warrant for the murder
23 of Cobb. (CT 219) Officers got the arrest warrant and arrested
24 Backhoff for the murder of Cobb on August 10, 1988, and interviewed
25 him. (CT ~~XXXX~~ 221 -235) (see page 5 of the transcripts)

26 Q) aside from this arrest, have you ever been arrested before ?
27 A) Well, yea, but I dont think it really counts.

28 This confirms that Backhoff had been arrested as a result

1 not only because of his suspicious nature, but the evidences that
2 had been collected from the sheriffs station (Cigarette butts) and
3 evidences collected from the crime scene matching Backhoff (cigarette
4 butts)(CT 378-79)(exhibit 17) What piqued officers attention was
5 that Backhoff has stated the last time he seen Cobb before the murder
6 was about two weeks. Only the ash tray located at the scene in a
7 common area had only eight butts in it, with butts matching a
8 man who stated he was at the scene the day before the murder occurred.

9 Because officers needed more evidence than cigarette
10 butts located at one scene which were not located at another, officers
11 felt they should release him until they could lock in better evidence
12 to secure the conviction. Unfortunately Backhoff had committed suicide
13 before his DNA had been scientifically verified. Killing himself
14 on June 1, 1999. (CT 357)(exhibit 16) It was later determined by
15 officer Bradford that when they processed the Backhoff suicide scene
16 the officers collected several trophies Backhoff had matching
17 numerous murdered women. It would have been noted that Backhoff
18 held the coroners position with the county to protect his bizarre
19 appetite for killing single women around the state. The officer
20 found that backhoff had acted very suspicious around dead females
21 during certain investigations as being the county deputy coroner.
22 (CT 447) (see exhibit 16-17) It may have been noted that even with
23 the change of suspects name from Randolph to Backhoff would not
24 have prevented the reports created from the investigations of Cobb
25 to be any different. Or that the case number had change. This may
26 have led to Gregory backhoffs suicide, along with science advancing
27 making his ticket to come up. But this is ^{pure} ~~pure~~ speculation..
28 The idea along with facts related to this crime creates suspicions.
Especially since one of those trophies belonged to Cobbs case!!

1 Officers then spoke to another bartender from the Y-
2 Cafe in Lucrene Valley who admitted to having sex with Cobb who
3 was his "drinking buddy". (CT106) This Same bartender admitted that
4 Cobb had also been sexually involved with at least three other
5 barteneders who worked there.. Sheriff then spoke to Cobbs previous
6 employer at the Spring Valley Lake country club. Her employer admitted
7 Cobb liked to Golf, and was friendly. She admitted that she knew
8 Cobb to have been sexually involved with at least three of her co-
9 workers at the country club. (CT124)

10 ~~Latter~~ officers spoke to Bud Turner who stated he thought
11 he last seen Cobb at the market on Saturday September 21, 1985.
12 Recalling that she had dated several women. Officers also spoke
13 to Cobb previous boyfriend Fred Berdard, and during the interview
14 officers noticed that Berdard was wearing a gold colored watch.
15 (CT108) Taking notice of this because Cobb had been located with
16 a yellow colored watchband pin underneath her head. Officers did
17 not take notice whether Berdard was right or left handed.

18 In the address book located on the dining room table
19 officers located the names of about nineteen other men from the
20 area that had not been interviewed by any of the other officers,
21 and assumed they too had been sexually involved with Cobb as well.
22 (CT165,217) On December 2, 2002 detective espinoza prepared a compiled
23 list of cases that had been typed as serial and included on this
24 list (Helen Brooks, DR#1331490)(Rita Cobb, DR#1311036)(Debbie Majorie
25 DR#860764)(Rhonda Belcher, DR#08086074941617)(Malinda Gibbs ,DR#
26 88-59459) and (Brigita Kreismanis, DR#89- 1123392)(see exhibit 18)

27 All of these women were typed as serial by criminalist
28 from the FBI crime lab on 11/27/02 by analyst Ken Witlow. (CT327)

1 It was later determined that one of the women of this
2 list had been killed by Robert mark Edwards who was convicted
3 and sentenced to death. (CCII #A06751443) Because of the long string
4 of murders in the Southern California area, and the ones in the
5 Sanbernardino area sheriffs contacted the U.S. Department of Justice
6 for help to have the cases profiled. (exhibit 19) On April 30,
7 1987 a collective profiled had been generated by several criminalist.

8 They found that there were more than just similarities
9 with the Brooks and Cobb murders and had determined there to be
10 committed by the same person for several reasons beyond the DNA
11 of the cases. (PP1) The victimology of the two cases determined
12 both women had been vulnerable in their life styles, both strikingly
13 similar backgrounds. Both white women, and around five feet tall.
14 Both found between 120 and 135 pounds and also between the ages
15 of 55 and 63. Each had children who lived elsewhere, and both killed
16 by strangulation, a few months apart. They lived a few miles
17 apart and both dated men from the ages of 20 and up. Both had
18 habits of picking men up at the bars and taking them home and
19 both had sexual appetites that were aggressive. Both were argument-
20 ative and had temporary room mates and kicking them out for some
21 reasons. (PP2) These womens reputations and life styles as well
22 as behaviors increased their potential for vulnerability and both
23 characterized as having moderate to high risks of becoming victims
24 to violence.

25 The examinaers report indicates the Behavioral Science
26 Investigations reports determined these type of persons who would
27 have committed this type of crimes. Each victim was the cause
28 of litigature strangulation, one on the neck, with a witre the
other with her pantyhose.

1 Semen was located at both scenes, while one was inside
2 the body, the other was on the bed sheets under the body. Even
3 though DNA samples were not matched there was considerable evidence
4 linking these two murders to the same person. (PP3) The crime scene
5 analysis did indicate that both scenes were attacked in the evening
6 hours, and in their homes. No signs of forced entry to either
7 house, indicating the attackers were invited in. There were no weapons
8 brought to the scenes and were committed by things already at the
9 scenes. Both victims were left nude while articles covered their
10 faces. It was determined that this was a message about [his] opinion
11 of both the victims themselves as women. (PP4)

12 The FBI report gave dozens of reasons these murders
13 had been committed by the same person, making these two murders
14 serial typed. On January 13, 2010 another interview was conducted
15 on Cynthia Hopper by public defender investigator. In the interview
16 she recalled her knowledge from 25 years earlier. (exhibit 20)
17 She told the investigator that she seen Cobb at the party of John
18 Sullivan, but wasn't sure if someone took Cobb home or that someone
19 had checked on her. (1)(PP2) She did offer that it was odd that
20 Daryl Kramer was the one who found Cobb, because Cobbs son had
21 been estranged for some time. (possibly due to the last fight he
22 had). Adding that it was odd that he was the one who showed up and
23 found his mother. Cynthia offered her opinion about Cobb's life-
24 style, that she was "loose" and seemed to be the type who would
25 go home with men she had just barely met at a bar. Lastly she offered
26 that she did not see anything strange outside the Cobb residence
27 that she could recall.

28

1 Doris Jackson was interviewed on April 9, 2009 and
2 offered that she had recalled seeing Cobb before she had been killed
3 and was to drive to Canada with her. Doris believed Cobb to be
4 a private person, but admitted she (Doris) did not drink either.
5 Suggesting that she did not follow Cobb into the many bars she
6 attended around the county which she displayed a very [different]
7 lifestyle once she drank. (emphasis added) (exhibit 21)

8 Sheryll Brodus was interviewed ~~in 1985~~ and offered, that
9 she worked in a bar the night Cobb had been killed, and believes
10 that Cobb may have stopped by that night she had been killed
11 before she went home. (exhibit 22)(PP2) She added that it was
12 possibly Saturday night that she was there. (September 21, 1985)
13 Brodus stated that Cobb usually arrived alone, and had never seen
14 her with a boyfriend. Brodus then offered that she knew Ron Campbell
15 had suspected a neighbor of Cobbs for the crime and to have committed
16 suicide. Another person re-interviewed Brodus about a man named
17 Hull that had come up in the interviews, telling investigators
18 that Hull had dated Mrs Cobb at one time and could also be a suspect.

19 On January 13, 2010 Ron Campbell had been interviewed.
20 (exhibit 23) He offered that Hall had a bad temper when they
21 entered the bar. (Glen Hall) Suggesting that hall had found out
22 about Yablonskyn having sex with Cobb, and that Hall would have
23 wanted to harm Cobb over this matter. Campbell remembered seeing
24 Cobb at the Moose Lodge a few days before she had been found on
25 September 23, 1985(Back a few days-Sunday-Saturday_FRIDAY!)
26 Campbell offered that he knew Cobb to like alot of different men
27 and told the investigator that Cobb was a happy drunk.
28

1 On September 26, 1985 Rene Smith had been interviewed
2 offering that she remembers meeting a man at the Zodiac Lounge
3 who stated he was waiting for a date with an older lady. Offering
4 that his name was (Gaylord) and was a music entertainer at the
5 Moose Lodge. (exhibit 24) On September 26, 1985 Fred Halbrook
6 was interviewed and told officers that he recalls hearing that
7 Cobb had been seen at the Zodiac Lounge in a argument on Friday
8 night, adding that the fight was a pretty good one. (exhibit 25)
9 Doris Jackson was reinterviewed by detective Alexander in 2009
10 and offered she heard rumors that the night Cobb had been killed
11 she was seen at the Moose Lodge as well as the "Y" Cafe. (exhibit
12 21)

13 August 16, 1986 Detectives interviewed the son Kramer
14 once more regarding a Mel Gibbs that had killed his wife in the
15 same manner that Cobb had been killed and then committed suicide.
16 There was nothing confirming that Gibbs killed Cobb, but the fact
17 he killed his wife in the same manner Cobb had been killed and
18 that he committed suicide thereafter raised suspicious flags about
19 culpability with the Cobb case. (exhibit 27) Later officers
20 spoke to Dianne Flagg who lived around the corner from the
21 Cobb residence. Offering that she recalled seeing on Friday night
22 cars parked in the driveway at the Cobb residence, and that one
23 of them was a silver pinto. (exhibit 28)

24 Fingerprints were collected from the scene that had come
25 back in 1988 matching Joseph Saunders after the (1988) confession
26 had been made. (exhibit 29) The report was generated on ~~XXXX~~
27 August 9, 1988. This report clearly shows that petitioners prints
28 were not located at the scene, where Joseph Saunders and Cobbs had.

1 There were hairs lifted off the victims torso that had
2 laid nude on top of a bed sheet. (Items A5 #'s 1-8 while one had
3 the entire roots attached) Another hair with the roots attached
4 had also been found on the nude torso .(Item A1, which had 8 slides)
5 (see exhibit 26) These hairs were red in color and were DNA quality
6 where the DNA located in these hairs was not matched to petitioner,
7 a blonde defendant. (exhibit 26-9) The victim was located with a
8 pair of shorts in her mouth that was used as a gag. (Item A17) where
9 this item was tangible and DNA would have been transferable through
10 touch DNA. These shorts were DNA capable and the DNA on these shorts
11 was not matched to petitioner.

12 The victims blood had been located on the bedroom door jambs
13 as well as the short pony wall across the hall from her bedroom
14 that had prints which would indicate gloves were not worn in this
15 attack. (See photos 59, 60, 61, 62)(Items A23 and A24)(exhibit
16 26) This quality of evidence was DNA capable and because the assail-
17 ant did not wear gloves would have left their DNA smeared into
18 the victims blood as they fled from the direct murder site(bedding
19 area). This DNA would have been left by the assailant who grabbed
20 the jambs with his bare hands ~~XXXX~~ leaving unreadable prints,
21 but their DNA. This DNA was not matched to petitioner.

22 There was a murder weapon located wrapped around the
23 victims neck that was made of wire. (see item B3) (photos 71, 72,
24 and 73) This material was DNA quality and verified as DNA capable
25 by experts, and the DNA located on this item that had to be handled
26 by the assailant (Killer) who did not wear gloves, verified by the
27 smudges into the victims blood on the door jamb. The DNA on this weapon
28 does not match petitioners DNA. (EXHIBIT 26)

1 There was watchband pin located underneath the victims
2 head between her head and sheet where she laid. (Item A15) (Photo,
3 52, and 53)(exhibit 26) This item had been pulled from the attacker
4 while inthe commission of the crime,where Cobb fought for her life
5 and was located on an area that was baren exceptot for direct eviden-
6 ces related tothis crime. The victims had eb been found with her
7 watch, and this pin was yellow in color. The evidence was solid
8 surface and qualified as DNA capable by experts, where the DNA located
9 on this item was not matched to petitioner. .

10 There was tissue located onthe victims chin which would
11 have been handeld by hands and would have been DNA capable by a
12 person not wearing gloves as explained earlier. The DNA on this
13 item was not matched to petition. (Item B2)(exhibit 26)

14 There was a felt pad that had been determined as aa desk
15 blotter thatw as lovated underneat the comfoter of the bed that
16 had petitioners DNA located on this, which was matched by CODIS.
17 This material evidnece was destroyed by officers who cut a 3 inch
18 by five inch piece from a 18 inch by thirty inch desk cover used
19 to protect surfaces o f a desk top. (Item A18)(exhibit 26) It was
20 petitioners allegation that his last sexual encounter occured inthe
21 office area and onthe desk top and dining area seating area and
22 that [if] this desk cover had petitioners DNA on it and would have
23 had at least two other female DNA's on this as well. The experts
24 testified that this would have been the "possible" reasons for the
25 DNA being there. (That petitioners DNA was on top of Cobbs DNA
26 or Cobb DNA was on top of petitioners DNA). But because the evidences
27 had been destroyed and the majority of this desk cover was discarded
28 and unavailable for examination by petitioner, prejudices him greatly.

1 This evidence was also located underneath a comforter
2 and had not transferred DNA to the comforter or the bed sheets, where
3 if the DNA was current would have done. Indicating it had been placed
4 there some time after the sex between Cobb and petitioner, and
5 may not have been from that last encounter and may have been from
6 one of petitioners visits to the Cobb home the month prior. These
7 speculations were not verified to any degree.....because the evidence
8 was destroyed. But make no mistake that if petitioners DNA is there
9 then there will be at least two other female DNA's as well, but
10 because the evidence is not available for verification it would
11 be up to the prosecutor who destroyed the evidence to show it had
12 been done harmlessly and not maliciously. (DESTROYING EVIDENCE)

13 There were cigarette butts located on the dining room
14 table in an ashtray of a smokers home. This ashtray had eight butts
15 located in it. (exhibit 17)(item A21) It should be known that
16 the DNA from Saunders who had been at the house the day before Cobb
17 had been killed was located on one of these butts. Kramer who arrived
18 at the house after his mother ~~(XXXXXXXXXX)~~ had been killed.(Allegedly)
19 was determined to be on at least two of the butts. (see photo 23)
20 It should also be known that Randolph/Backhoff had also been found
21 to have left his DNA on at least three of those eight butts, while
22 his last exclamation was that it had been two weeks since his last
23 visit to the Cobb house before she had been killed. (allegedly)
24 Petitioners DNA will not be on any of these butts and was not matched
25 to any of these DNA's located on the butts.

26 There were tire tracks located and photographed in the
27 Cobb drive way, indicating a 44 inch wheel base. (see photo 3-7)
28 It was the prosecutors opinion that these tire tracks came from a

1 Ford pinto, and then opined that because Dianne Flagg had seen a
2 silver pinto, that these tracks came from the suspects vehicle. Pet-
3 itioner owned a dark blue pinto. (exhibit 28).

4 The victim had been located laying on her back, yet
5 the photos of the unaltered crime scene indicated Cobb had died
6 while on her roight side, where lavidity had been located and photo=
7 graphed. (see photo 57) This phot shows that Cobb had been killed
8 while on her right side where lavidity had been located on her
9 upper shoulder and ribcage area. Lavidity is where blood settle
10 after death and settles tothe lower area of the body. It occur~~s~~
11 after several minutes in the same position the body had been laid
12 for several minutesa after death. This induicates the body had
13 been moved, and the scene tampered..

14 Petitioners DNA was not located onthe outside of the
15 body other than a fe lt pad as discussed a earlier, which had not
16 m been transfered to sheets, spreads, comforters, or any of the
17 bedding to any degree, indicating length of time related to the
18 time the crime had been committed. Petitioners DNA was not located
19 onthe outer labia area, vulva area, of the vagina. It was not located
20 onthe inner thighs, lower buttox area, nor on the body at all outside
21 the vagina. It was not located on the bedding underneath the body,
22 or any of the bedding at all indicating petitioner had been in that
23 room outside the felt pad being carried in there some time after
24 the sex inthe dining room/office area, other thanthe DNA carried
25 in there by the victim~~s~~ more than one and a half days after she
26 had sex with petitioner and as many as several days after she had
27 sex with petitioner. There is virtually no possible way to get sper
28 into the vagina without leaving traces onthe above indicated body

1 parts identified above which would occur if the sex was current.
2 In fact because the sex had occurred more than one full day before
3 Cobb had been killed, there may have been traces inside her panties
4 located in the laundry hamper in the other room, but that area of
5 the house was not processed. Officers had suspected dozens of people
6 over the years that followed the murder, which included as many
7 as 26 different men, without any success outside the arrest of Gregory
8 Randolph. (discussed earlier and later in this petition)

9
10 TWENTY FIVE YEARS LATER

11 Petitioner had been arrested for a failure to pay fine
12 warrant, where his DNA was collected because he had been a convicted
13 felon from a few years before, for possession of stolen merchandise.
14 It was then that CODIS matched petitioner to the scene as a suspect
15 to the murder. (see exhibit 30) On March 4, 2009 officers filed
16 and received a warrant for the arrest of petitioner at his Long Beach
17 residence. Petitioner was interrogated in two locations without
18 MIRANDA. (see exhibits 63 and 64) (see exhibit 65 Filed as a mail-
19 iable compact disc)

20
21 PRIOR TO TRIAL

22
23 Petitioner's case had been used as a campaign slogan by
24 the district attorney re-elect Michael Ramos after scheduling the
25 trial to start. The slogan was a promise to convict for votes of
26 a case that was 25 years old as the prosecutor enjoined he had
27 filed nineteen murder charges, and petitioner's trial was to start
28 later that year, when in fact it was to begin in less than 30 days.

1 Petitioners right to a speedy trial were violated forcing
2 the trial to be postponed because of this misconduct. (discussed
3 later in this petition). Petitioner sued the prosecutor because
4 of this, while the prosecutor retaliated by altering the inter-
5 rogation transcripts. (Discussed later) (see exhibits 63-65)
6 (see exhibit 32, 33)

7 Petitioner moved the trial counsel to subpoena certain
8 alibi witnesses which would have corroborated his being in another
9 county around the time this crime had occurred. Trial counsel ignored
10 that plea, while petitioner provided the subpoenas that were ignored.
11 (see exhibit 31) While these misconducts by trial counsel forced
12 petitioner to defend himself, making petitioner file pro se motions
13 to the court. (see exhibit 36; 37, 67) Trial counsels solution to the
14 campaign smear was to recuse the prosecutors office , only he
15 filed a faulty motion without perfecting it and following court
16 rules about service of the P.C. § 1424 motion to serve the attorney
17 general, therefore the only party defending the motion was a pre-
18 judicial party. (The prosecutors office being recused)(The prosecutors
19 office argued there was no conflict between petitioner who at that
20 time had a \$5,000,000 million dollar suit that was current about
21 the conduct of the prosecutor tampering with the panel of jurists.)

22 Because of the trial counsels appearance to have no
23 interests in defending petitioners interests, and after discussions
24 about an alibi for the time of the murder, petitioner was forced
25 into writing his own subpoenas for this case. (exhibit 38) and giving
26 them to the trial counsel. It was not discovered until after trial
27 that trial counsel had not subpoenaed anyone, much less the alibi
28 witnesses. Petitioner after suing several parties for violations
to protected rights experienced an absolute cut off from legal

1 and spiritual confidentiality while the county jail commander terminated
2 all confidential communication opportunity and services. Making
3 all phone calls for petitioner before 6 a.m. and after 6 p.m. week
4 days and no confidential visits while at the jail after petitioner
5 had served lawsuits for these treatments of pretrial detention.,
6 (exhibit 39) Trial counsel verified this yet did nothing to have
7 this lifted and resorted to having extremely critical pretrial dis-
8 cussions about sensitive issues with the case in the courtroom next
9 to the a) prosecutor within ear shot b) other inmates who would
10 discuss private issues with other inmates and prosecutor. This
11 restriction occurred after the lawsuits and remained until months
12 after the trial.

13 As a result of the lawsuit filed against Ramos for the
14 use of petitioner's case in his campaign smear which affected the
15 entire venire of jurists, Ramos, Robert Alexander, and John Thomas
16 agreed to, arranged to, conspired to change petitioner's answers
17 in the interrogation recording that was created for trial purposes
18 on March 8, 2009. This transcript was altered on November 23, 2010
19 after parties had been served their copies of the complaints.
20 (exhibit 63, 64, and 65) (Copies of the state records 1-113 page
21 transcript created on the same day as the 1- ~~xxxx~~ 136 page copy
22 for the exact same interrogation) First this interrogation was created
23 in two separate locations outside MIRANDA, while two of the recordings
24 were officers' personal recorders, the other was a camcorder that
25 was used while in detention at the police station. These officers
26 made copies of the recordings and erased sensitive and critical
27 areas of the conduct (interrogation) when they made a "COPY" of
28 this interrogation. (states exhibit 49) (exhibit 65 here)

1 The transcripts created (1 -113 page copy) (1- 136 page
2 copy) were created on the exact same day. (exhibits 63 and 64)
3 Both creating were done to change petitioners answers, placing
4 evidences into petitioners poission and answers to indiuicate
5 there was no friendly key exchange relationship with Cobb. Indicating
6 that petitioner had taklena key tothe victims house at some point
7 and then held this key to return to commit a crime which petitioner
8 had been charged. (an ele ment tothe crime Motive, intent)
9 (see exhibit 40) The prosecutor then altered this once ahgain just
10 before the jury heard it, so that he could change the sopund bite
11 of the recording to match the changed answers of petitioner.
12 (exhibit 41) The prosecutor created a version of this recording
13 the was played tothe jury thatwas different that states exhibit
14 49, or 49A. The version they made was never placed into the states
15 records. Placing two very different versions intothe records as
16 exhibit 49A (the 113 page transcript) which is to be the same as
17 (exhibit 40) which is a three hour and forty eight minute recording
18 more than 136 pages in length. The changed answers are as follows;

19 (States exhibit 49 compared to states exhibit 49A)
20 (GM = Greg Myler)(JY = John Yablonsky)(RA = Robert Alexander_

21 ONE HOUR SEVEN MINUTES INTO EXHIBIT 49
22 AND FIFTEEN SECONDS

23 Q-(GM)-Ok, did you guys have a key to Ritas house ?

24 A-(JY)-No(THIS WAS CHANGED TO SAY UM YEA)

25 ONE HOUR SEVEN MINUTES TWENTY FIVE SECONDS
26 INTO EXHIBIT 49

27 Q-(GM)- Okay, so she wasnt like that it was stricly business ?
28 She didnt allow anybody in her house ?

29 A-(JY)- No

30 THIS VERIFIES THAT PETITIONER HAD NO BUSINESS IN THE HOUSE!

UNINVITED!
COURT OF APPEALS

1 ONE HOUR SEVEN MINUTES AND THIRTY TWO SECONDS
2 INTO EXHIBIT 49

3 Q-(RA)- Did she have a key to your apartment ?

4 A-(JY) Yes she did (WAS CHANGED TO SAYING "NO")

5 This was her rental, why wouldnt she have a key to her
6 own home, showing this change in answers supports that Cobb did
7 not allow anyone inside her home, not even her teneant and that
8 she was not allowed inside the apartment she rented to petitioner
9 for strange reasons.

10
11 ONE HOUR SEVEN MINUTES AND THIRTY TWO SECONDS
12 INTO EXHIBIT 49

13 Q-(RA)- Did she have a passkey to your apartment ?

14 A-(JY)- Yes she did(WAS CHANGED TO SAYING "NO")

15 These audio and visually changed answers were sued in
16 the trial to coerse the jurors into beleiving culpable conduct to
17 have a key to a home there was no friendly relatiuohsip between
18 petitioner and the vi ctim, alleging that petitioner had stolen
19 one while working in the Cobb house at some point,m keeeping the
20 key for some time and then to return to the home to commit this
21 crime. This was shown tothe jurors as an accurate transcript. later
22 discussed inthis petition.(exhibit 43) Petitioner during the trial
23 had told trial counsel that he needed to testify because of the
24 seriousness of the charges and the jurors comments that they would
25 believew a statement by the defendant would or should be necessary
26 to defend himself, as well as there being absolutley no evidences
27 showing petitioner had committed the crime. (exhibit44, 45)

1 In this three week trial the defense counsel did not
2 object to any of the many misconducts by the prosecutor, discussed
3 later here, did not provide an opening statement, did not challenge
4 the credibility of the states witnesses who clearly gave unrelaible
5 testimony, did not challengfe the manufactuired interrogation record-
6 ing; did not present one witness, one piecve of paper in his clients
7 defense and gave a closing statements about anchient history on
8 basebvall and animals onthe plains. The jury deadlocked on February
9 2, 2011. Admitting they were hopelessly deaslocked. (exhibit 46)
10 The Court out of the presence of trial counsel threatened the jurors
11 using wording like "Hostage" and that "he" has toime to keep the
12 jurors. Giving this speach about the jurors time, and the Courts
13 discretion to hold them on February 3, 2011. (exhibit 47)

14
15 AFTER TRIAL

16 Post trial counsel was appointed to provide an ineffective
17 assitance of counsel motion (ONLY) and apointed Hal Smith for
18 this job on February 25, 2011. It was then that petitiuioner was
19 made aware that this case did in fact have 5300 pages and there
20 were several misconducts by the trial counsel that petitioner had
21 not known. Including the withholding of th e confession report, filing
22 motions for petitioner in other persons names, forfeiting rights
23 without having informed petitioner, and sabotaged any defense this
24 cae had. (exhibit 48) The court read the motion that was conceded
25 by the prosecutor and denied the motion stating " That the Court
26 did not witness inside the four corners of the courtroom any ineffect-
27 iveness by trial counsel. Denying an investigation failure motion
28 based on in courtroom conduct" (exhibit 49)

1 It was in this disclosed post trial motion that petitioner
2 had discovered that trial counsel had not had anything from this
3 case examined at all after being told by laboratory experts there
4 were mandatory examinations needed that would cost as much as
5 \$3, 500 (well within the range of reasonable defense) (exhibit 49)
6 (exhibit 50) It was not until after the July 2014 release by trial
7 counsel of other informations that petitione^r tried to expand the
8 states grossly under created records because of misconduct, ommiss-
9 ions, and other criminal activity by state and lawyer that the request
10 to expand was denied. (exhibit 51)

11
12 THESE ARE THE FACTS SURROUNDING
13 THE CASE, AND ARE UNDISPUTABLE

14
15 THE STATES ENTIRE THEORY FOR THIS CASE
16 SUPPORTED BY THE MANUFACTURED EVIDENCES
17 WITHIN STATES EXHIBIT 49 AND 49A

18 (RT32;12-22)(DDA Thomas)

19 " The peoples position is that Mr Yablonsky's interview
20 he was given at least four opportunities to say he had
21 sex with the victim, and the detectives were very
22 clear, we dont care if you had sex with the victim
23 If you had sex with the victim, we need to know, and
24 he repeatedly denied having sex. (emphasis added)...
25 FROM THE DENIAL OF SEX THE JURY COULD INFER THAT THE
26 SEX HE HAD WAS UNCONSENTUAL, IT IS PROPINCITY!! "

27 EVIDENCES COLLECTED FROM THE SCENE OF MATERIAL VALUES
28 (SEE EXHIBIT 26 FILED HERE)

29 There was over 80 photographs in this case, petitioner
30 points
31 points at a few which are strikingly important and briefly discusses
32 them here.

Photos three through seven

1
2 These are photos of the victims driveway and tire
3 tracks located inside the dirt drive. It was the prose-
4 cutors theory that these tracks belonged to a silver
5 pinto with a wheel base of 40 inches. The state used
6 a witness who seen a silver pinto at the scene, and
7 withled that petioners pinto was dark blue.(exhibit28)

8
9
10
11
12 Photo twenty three

13 This is a photo of the dining table ashtray that held
14 eight butts located in it inside a smokers house in a
15 common areas. Three of these butts had been matched
16 to Mr.Backhoff/Randolph who confessed to the crime

17
18
19
20
21
22 Photo forty six

23 This is a photo of the ring ,located on the night
24 stand near the victims bed, showing this case was
25 not about robbery

26
27
28 Photo fifty two and three

This is a photo of the watchband pin located under
the victims head, showing that it would have had to
been placed there during the crime because it was
slightly under the side of the victims right side
of her head, showing that the killer had been a right
handed person to lose the pin on his left side as
they killed Cobb and she fought the pin loose from
the attacker. It would be inconceivable for the attacker
to have the train of thought to think of the watchband
pin as they grabbed the watch, not thinking of the
pin that kept the band attached when they fled from
the scene taking their watch, but not the PIN!!

EXHIBIT 26

1 Photo fifty six

2 This item was located around the victims neck showing
3 that time and effort was used to place it there, and
4 that this was a very critical piece of evidence indicating
5 how the victim was killed, but that this item would
6 have material values with the scientific community
7 regarding DNA that would have been left on this weapon

8 Photo fifty seven

9 This photo shows that the scene had been disturbed after
10 the body had been killed. This photo shows lividity
11 which is caused when a person dies and is left in that
12 spot for some time. The blood settles to the lowest area
13 of the body., This lividity is located in the victims
14 upper right ribcage area and shoulder area. Showing
15 that Cobb had been killed while on her right side. The
16 body was located on the back, suggesting a sexual position
17 because the legs had been apart.

18 Photos fifty nine and sixty

19 These photos are of the blood smears located on the bedroom
20 door jamb and short pony wall adjacent to the direct
21 crime scene. This shows the reckless nature of the
22 attacker who left unreadable prints in the victims blood
23 showing this crime was committed without the use of
24 gloves.

25 Photos seventy one, two and three and eight

26 These photos show the degree of efforts that were made
27 to wrap and tie this wire hanger onto the victims neck,
28 Showing this was not an easy task and the ability to
manipulate this metal that had been wrapped and twisted,
and twisted again, according to experts.

1 Because there are no witnesses to the crime, the relevant
2 and material evidences to this case are hinged on the forensics of
3 the case which can infer what happened, and show who was at the
4 scene, and where they were at the scene in reference to the crime,
5 this includes evidences that were left at the scene the time the
6 crime occurred and evidences that had been carried into this scene
7 at some point. These are the DNA materials located at the crime
8 scene directly related to what happened. These items have been tagged
9 as DR# 1331036 items B22559, B68345, B67999 as follows;

10 Item A18 (1)
11 Tag#B22559 Felt pad and sheets

12 Petitioners as well as Mrs Cobbs DNA was located on a felt pad
13 that was determined to be a desk cover that was located in
14 the bedroom and underneath a comforter. The evidence was DNA
15 qualified and was matched to petitioner through CODIS. This
16 DNA did not transfer to the sheets, of the bed, nor did it
17 transfer to the comforter it was located underneath. This was
18 examined and testified that the DNA belonging to petitioner
19 was mixed with the DNA of Cobb, but uncertain which was
20 on top of which. This item had been damaged intentionally
21 by sheriff's crime labs, and removed from a 18 inch by thirty
22 inch piece of material. The remainder was 3 c, by 5 cm approx
23 3 inches by five inches. Current DNA examinations could be
24 used today to verify the time this occurred as well as other
25 DNA's that were untraceable in 1999 when this item was examined
26 and DNA collected. Petitioner's DNA was not located on the sheets!!

24 Tag#B68345 Item #A13 Pillow

25 This is a pillow located underneath the victim's head and would
26 have DNA on this item and because it is directly related
27 to the immediate crime location would have the killer DNA on
28 it. Petitioner DNA will not be on this evidence

DNA EVIDENCES LOCATED

1 Tag# B67999 ~~XXXX~~ located on the body and scene
2 Items B4, A5,, A1, A18, B3, B1, A20, A17, A15, B4a

3 Item #B4 was standatrd pubic hairs that were colle tec from
4 tape lifttings from be neath a comforter located on the bed
5 which were directly inthe immedciate vacinity of the murder
6 since officers believe that Cobb had been killed where she
7 laid. The DNA from these evidences will not match nor were
8 they matched to petitioner.

9 Item #A5 is red hair that was collected with the entire roots
10 attached and were collected from off the v9ictims body. First
11 petitioner is blond, second experts stated this would be magnif-
12 icent DNA specimnens and , third this DNA was not matchved
13 to petitioner.

14 Item #A18 is the desk cover thatwas discussed earlier, where
15 petitione and the victims DNA had been mixed into a very small
16 area of this evidnece. It originally started out as a 18
17 inch by thirty inch piece of desk cover, that had been destroyed
18 into a 3 inch by fiver inch piece of evidnece. This evidnece
19 was not examined with todays experts, which would have shown
20 there was at least one other DNA opn this very small piece
21 of evidnece. Making the remainder of the original evidence
22 to have serious material; values as well as other DNA's beside
23 the petitioner and victim.

24 Item# B3 This is a metal wire that had been used as a weapon
25 and was located around the victims neck. Expr~~h~~erts t stated
26 this would DNA terrific and this evidences having DNA on it
27 was not matched to petitioner, where a murder occured using
28 this weapon with bare hands, verified by the blood smears
onthe bedroom door jamb with unreadable prints inthe victims
blood.

Item #B1 These are loose hairs that were also collected fromthe
victims torso and this DNA ~~xxxx~~ was not matched to petitioner.

1 Item #A20-23 were cigarette buttes located onthe dining room
2 tabel ashtray and came back matching Gregory Randolph /William
3 Backhoff. These DNA's will not match petitioners DNA nor will
4 the other cigarette butts located in this askhtray. This
5 ashtray carried 8 butts, while three matched Gregory Randolph,
6 one matched Joseph Saunders, two matched Baryll Kramer and
7 one matched Cobb. These DNA's were not matched to petitioner

8 Item #A17 These are shorts that were crammed intothe victims
9 mouth during the assault/murder. These shorts will have DNA
10 on them fromthe person who wore them and the person who shoved
11 them into the victims mouth. The DNA on these shorts ~~XXXX~~was
12 not matched to petyitioner

13 Item #A15 This is a watchband pin that was locaterd underneaththe
14 victims head. Indicating it was oplaced there at the time
15 of the crime where struggle occured and was located on a barren
16 bed sp read. This item will be DNA magnificent and was not
17 matched to eptioner, even thought he prosecutor argued it
18 belongs to eptioner because of the size.

19 Item #B4a This is a vaginal collectionwhere sprerm had been
20 collected from inside the body of the victim. This was matched
21 to Yablonsky, petitioner and expertly testified to by two
22 states leading experts. (Dr. Suakel)(RT490 who stated that
23 this DNA was the result of an encounter that occured before
24 the murder by at least one and a half dayds before Cobb had
25 been killed)(The second expert)(Criminalist Donald Jones)
26 (RT317 who stated that this DNA was the result of a sexual
27 enocounter that occured as much as severla days bve before
28 the murder occured and added that eh was certain of this)

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Petitioenrs DNA was not loated on the outside of the
victims body, not located on the vulva, labia, clitorus, inner
thighs lower buttox area, outter thighs, legs, stomache or on
the bedding beneath the victims resting spot. Petitioners DNA

1 was not located in the victims blood smeared onto her bedroom jamb
2 or pony wall. It was not located on any of the bedding, sheets,
3 pillow, comforter, nor was it located on anything directly related
4 to the actual murder. It was not on the weapon, not on the watchband
5 pin located under the victims body, nor in any of the hairs recovered
6 from the nude body. Petitioner's DNA was not collected from the
7 fingerprints that were collected, and was not on the door knobs
8 lead to or from the victims bedroom or main entrance of the house.
9 In fact the only DNA collected from this scene matching petitioner
10 could have been carried in there by the victim herself inside
11 her, while the desk blotter had originated inside the office area
12 of the house could have also been placed inside the bedroom days
13 before the murder occurred. "UNDERNEATH A COMFORTER ??"

14 There is not one piece of evidence DNA or otherwise
15 that indicates petitioner's involvement with this crime to any
16 degree outside pure speculation by the prosecutors "theory" that
17 just because petitioner lied to the cops while being asked about
18 a sexual relationship with a murdered woman while in front of his
19 wife and children. In fact the only evidence linking to culpability
20 of this crime was manufactured by the prosecutor himself by changing
21 petitioner's answers to place evidence into his possession when
22 the real time recordings will show they presented fake evidence.

23 Out of the 5300 pages of evidence that were collected
24 over the 25 years plus, after this crime had been committed had
25 not placed petitioner at that crime scene at the time of the murder.
26 Witnesses seen Cobb the day before she had been killed in the Lucerne
27 Valley Market after she got off work. They seen her the night she

1 had allegedly been killed up until 11:30 p.m. when she arrived
2 at and got drunk with them on September 20, 1985. She left the
3 party after Nash and Hooper had left. She refused the offer by
4 them to take her home and remained at the party for another two
5 hours after they left. She told Francesca Drake, Cynthia Hooper,
6 and Bruce Nash that she was not going home yet and that she was
7 going to the Zodiac Lounge after she left the party at 11:30 p.m.
8 Witnesses seen her at the bars, one of them seen her in a fight
9 at the Zodiac lounge. One of them confessed to have picked her
10 up at the Zodiac lounge and took her home to kill her.

11 Joseph Saunder who barely knew her at all, had a crush
12 on her so much that he kept a journal about his "relationship"
13 with her. Learned from a mutual friend of theirs, to look in certain
14 areas of the high desert so that he can find out where her house
15 is, and then paid a surprise visit to her without being invited
16 or calling first. Cobb knew this person and chose not to give him
17 her address in the first place. Both Saunder and Randolph committed
18 suicide after the Cobb murder, while both had memorials at their
19 suicide scene related to Cobb. One a memorial of their "relations
20 ship" The other a trophy.

21 The FBI was involved in helping to solve these crimes
22 and created not only a list of typed cases which Cobb was on,
23 but that they had solved one of the five typed and sentenced this
24 man to death. The FBI also created a profile connecting the Cobb
25 and Brooks murders as being committed by the same person. Although
26 Donald Jones opined that because the DNA's from both these crime
27 scenes were different that they were committed by different people,
28 he also cleared petitioner DNA by several days from the time the

1 murder had occurred. Also clearing petitioner from the time the
2 crime had occurred as Dr. Saukel who was one of the pathologists
3 in this case also clearing petitioner DNA by as little as one and
4 half full days from the time Cobb had been killed. Saunders stated
5 that Cobb offered him a glass of water to drink, and everyone at
6 the party said she had been drinking bourbon. Saunders said that
7 he arrived at the party and picked pistachios with the group only
8 nobody remembers him being there, while Saunders said that to his
9 knowledge Cobb had not been drinking. He also added that she offered
10 to have him over after the party, but added that he did not go
11 to her house. / After being told that she would only accept platonic
12 relationship with him.

13 Another woman was killed in that area shortly after the
14 Cobb murder, and was committed by Meryl Gibbs who strangled and
15 killed his own wife in the exact same manner Cobb had been killed..

16 ^{Then committed suicide}
17 One bartender from town stated she did not see Cobb at the bar
18 c she worked on that Friday night, and also added she seen Cobb
19 extremely drunk some time earlier. Only three other bartenders
20 stated that thought or had seen Cobb in their bar the night she
21 had been killed.

22 Every person interviewed after the crime stated that
23 Cobb was a loose woman and like to date a lot, of different men
24 from the ages of 20 and up. That she liked to frequent the bars
25 and would regularly pick men up at the cost of a drink to take
26 them home for sex. Cobb had been sexually involved with at least
27 seven men around the county, to include three bartenders from the
28 "Y" cafe, three co-workers from her job, and even the neighbor
up the street John Sullivan. Everyone said she was a heavy drinker
who got vicious when she drank. Even her own son said she had
a Jeckel and Hyde personality when she drank. She drank all the time!!

POST TRIAL FILINGS

1 Direct post trial appeal 4th district COA#Eo55850

2 Appellant counsel argued twelve grounds, filing the appeal
3 after petitioners habeas on another twelve grounds. Appeal
4 was argued by the attorney general. This Court affirmed that
5 appeal based on the records before it, different records than
6 are presented her. Denying the appeal on 12/3/13(exhibit 52)
7 Denying the appeal before the records had been discovered on
8 July 2014

9 California State Supreme Court petition for review# S215572

10 Appellant counsel filed eleven grounds on direct review. This
11 review was denied on March 17, 2014. Still before the records
12 had been released on July 2014. (exhibit not available)

13 State habeas corpus Superior Court #WHCSS1200311

14 Petitioner argued 12 grounds of error based on facts known
15 but unable to tangibly prove. Petitioner filed demands for
16 discovery and state records which was denied and refused.
17 DDA Ferguson from the appellate division of the district attorney
18 office filed brief in their defense.(perjudice) After briefing
19 by both attorney general and district attorney 13 more consti-
20 tutional errors became developed. Petitioner moved the Court
21 to expand the records, which was denied. The court denied this
22 habeas stating it lacked jurisdiction, or that petitioner did
23 not have enough proof at that time. Denying this on July 12, 2013
24 before the records had been released on July 2014(exhibit,57)

25 State Court of Appeal habeas corpus #EO60202

26 Petitioner separated the combine claims in superior court and
27 filed thirty two ground at the appellate court level. This
28 Court summarily denied this filing on January 14, 2014 after
twice denying petitioners plea for discovery to the case. This
habeas was denied before the release of the states records
on July 2014.

1 States Supreme Court habeas corpus#S218253

2 Petitioner combined the state direct appeal issue along with
3 habeas issues that had been exhausted by the lower courts
4 to file a habeas petition with forty two ground into the state
5 supreme court. This was summarily denied on July 16, 2014 before
6 the release of the states records on July 23, 2014. (exhibit
7 58)

7 United States district Court#EDCV-14-01877-PA-(DTB)

8 Petitioner argued forty two grounds of constitutional dimension
9 and formal arguments ensued. After this case had been filed
10 trial attorney had released the records that had to be developed
11 and reviewed. Petitioner after review discovering the state record
12 had been incorrectly presented at all lower court moved the
13 district court to expand the records under habeas rule 6 and
14 7 without any success. Part of the release after July 23, 2014
15 state revealed that they had committed fraud with the altering
16 of evidence they used in the trial. Petitioner filed FRCP Rule
17 60(b)(3) fraud motion that was denied for timeliness.
18 The attorney general conceded errors on some of the grounds
19 while the court argued harmless error analysis. This filing
20 was denied on March 2016. It must be known that the proof of
21 this fraud was finally released on January 2016. This case
22 was published

20 California State supreme Court#S217210

21 Petitioner after being made aware of the fraud by trial counsel
22 who withheld facts related to this case moved the Supreme
23 Supreme Court for an evidentiary hearing under Cullen v Pinholster
24 due to facts related to the case being released after state
25 filings. (exhibit 5) This case was denied

25 United States Court of appeals 9th Circuit#16-8771

26 Petitioner moved the court of appeals for a certificate of
27 appealability which this court denied on or about March 2016
28 (exhibit not filed here)

1 United States Supreme Court #16-8771

2 Petitioner filed for certiorari on April 3, 2017 which was
3 denied for rehearing on June 26, 2017 (exhibit not filed
4 here) Petition for rehearing was denied on August 25, 2017

5 Superior Court #CIVDS1506664 civil remedies based on fraud and
6 professional misconducts by government bodies

7 Once petitioner had discovered that fraud had been committed
8 by state government bodies to constitutional dimensions petitioner
9 filed civil suits against several agencies to include
10 trial counsel, senior trial counsel, district attorney
11 county district attorney, sheriffs department, county jail
12 and the judge for several grounds which affected petitioner
13 federally protected rights before the trial had reached its
14 finality regarding case #FVI900518. These defendants admit
15 they altered evidences, admit they prejudicially used petitioner
16 case in their campaign smear, and admit they withheld evidences
17 from the petitioner until the direct appeal and habeas courts
18 had been exhausted as well as several specific failures that
19 include having nothing investigated in this case (FVI900518)
20 to any degree.

21 THIS CASE IS STILL ACTIVE

22 Superior Court (FVI900518) P.C. §1405

23 Petitioner filed section 1405 motion for DNA examinations
24 and this was appointed to an impartial member of the public
25 defender pool that is being sued, and defended by DDA Ferguson
26 who lied in the habeas corpus WHCSS1200311. Virtually every
27 allegation made in this motion was admitted, eluding that
28 it was not enough to suffice DNA examinations. This was denied
on or about August 2017

29 Superior Court habeas corpus #WHC1800338

30 Petitioner filed second habeas corpus arguing newly discovered
31 evidence that had been fully divulged on January 2016 arguing
32 for timeliness. This was denied on 10/9/18
33 for timeliness. Petition for rehearing was FILED on OCT. 24 2018

1 Petitioner argued timeliness based on his medical condition
2 as a result of a stroke he suffered prior to the release of
3 the records on January 2016. The Court further argued that
4 two previous filings between January 2016 and October 2018
5 had been filed alleging factual innocence, suggesting petitioner
6 was barred from review herein. Petitioner argued prima
7 facie, new laws, and the authority which stated if petitioners
8 first state habeas had been denied for lack of jurisdiction,
9 or claims there was not enough proof, then the Court had an
10 obligation to review the case on the merits here. Petitioner
11 argued cause and prejudice under Park, 202 F3d at 1152(1993)
12 [THE DIXON RULE]. Petitioner filed two P.C. 1405 motions (sic)
13 Petitioner further filed a copy of the malleable compact disc
14 showing the altering of the interrogation answer and the Court
15 again denied this matter, stating the case had been closed.
16 (see attachment A)

17 STATE COURT HABEAS PREJUDICE WNCJS 1860338

18 First the Court failed to honor the new laws that had just
19 passed under senate bills 1909, and 1134 affecting the manner which
20 newly discovered evidence affecting P.C. §§ 141 and 1473 which state
21 that the manner which newly discovered evidence must be viewed
22 had been changed. Neither of these laws speak about timeliness outside
23 when these evidence can be brought as soon as possible considering
24 diligence. Second the court admitted the prima facie of these arguments
25 yet based the denial on timeliness alone. Third, this Judge failed
26 to recuse himself when he knew that the parties being sued for these
27 gross misconducts had been his business partner at one time. (Michael
28 Ramos) Who later became a subordinate to Ramos as a DDA prosecutor
for the sanbernardino county. Judge Gregory Tavill. People v Knight
239 Cal.app.4th 1(2015) The Court (Tavill) had been reversed for
failure to honor federal laws. Case# FWV1201414.

1 In Re Andrew, 213 Cal.app.4th 678(2013) The honorable
2 Tavill had again abused his dicretion regarding jurisdiction , filing
3 a erroneus motion alleging resource issues ordering the case
4 back into the Sanbernardino jurisdiction. Most importantly though
5 was that Judge Tavill had worked undre Michael Ramos on several
6 matters, specifically as partners ina lqwfirm under People v Green
7 125 Cal.app.4th 360 (2004) as well as DDA Grover Meritt. The issues
8 are this DDA Meritt filed a bogus motion in defense of Ramos in
9 2010 regarding the campaign use of petitioners case, mistating
10 facts to defende his senior officer of that office. Next Michale
11 Ramos was not only charged with falsifying evidneces in this matter
12 here, but has admitted to misusing petitioners case in another suit
13 to satisfy6 his political agenda. Making anything Judge Gregory
14 Tavill unreliable and very prejudicial to petitoioners case here,
15 especially since this case evolves around criminal conduct of the
16 prosecutors office who had to manufacture evidneces to secure a
17 conviction,which is being challenged here in grounds one , two ,
18 three and five filed here. In short Judge Tavill should have passed
19 the case to an impartial person to protect prejudice iussues....and
20 did not. Denying this habeas at the superior court level against
21 laws, rules, statutes protecting petitioenrs rights.

22 SEE ATTACHMENT B
23
24
25
26
27
28

STATEMENT OF THE CASE

1
2 Mr Yablonsky (petitioner) was charged for murdering Mrs
3 Rita Mabel Cobb on September 21, 1985 in the March 8, 2009 filing
4 of a verification by DDA Ramos. The alleged victim in this case
5 had last been seen by friends on September 20, 1985 between 7;30
6 p/m and 11;30 p/m that same night while she attended a drinking
7 party at the Mini Springs ranch just up the street from her home.
8 (RT104) There were four persons at this drinking party (John
9 Sullivan)(Sullivan),(Francesca Drake)(Drake),(Cynthia Hooper)
10 (Hooper), and(Bruce Nash)(Nash) Sullivan and Drake was boyfriend
11 and girlfriend and lived at the mini springs ranch. Nash and Hooper
12 were also boyfriend and girlfriend, but lived elsewhere. These persons
13 regularly partied together. All persons at the party named above
14 remember seeing Rita Cobb (Cobb) arriving at the party drinking
15 a bottle of bourbon around 7;30 p.m. (RT407-425). Nash had arrived
16 at the party without drinking anything, and had not drunk at all
17 that night. He noticed that before he left the party around 9;30
18 p.m. that Cobb had been more drunk than usual, and chose to offer
19 to drive Cobb while Hopper followed in their car. Cobb refused
20 the offer, telling Nash and Hopper that she was not going home,
21 and was going to go to a bar called the Zodiac lounge instead
22 before she went home. (RT412) According to statements given
23 in 1985 Nash and Hooper left the party before Cobb, leaving at
24 9;30 p.m.(see exhibit 13)

25 One of the other partygoers stated Cobb had left the
26 party around 11;30 p.m. after Sullivan had fallen asleep at 10;30
27 (exhibit 14) Drake added that Cobb liked to date a lot of men, and
28 like to frequent to the bars in town looking for them. (RT398,400,410)

1 Witnesses had seen Cobb in the bars that same night,
2 only these witnesses were not allowed to testify in the trial. (
3 (see exhibit 21, 22, 23, 24, and 25) The victims son stated that
4 he got a message from his mother on Friday September 20, 1985
5 saying something or someone had scared the hell out of her and
6 she needed his help immediately to save her. (RT113) Daryll Kramer
7 (Kramer) stated that after he called her back that weekend he called
8 her job on Monday September 23, 1985 to see if she had gone to
9 work. (RT109) He then after discovering his mother had missed work
10 he and his wife Marta Kramer drove 30 miles to check up on her.
11 Kramer stated that when he got to the Cobb house in Lucerne Valley
12 he found his mother lifeless. (RT118, 177, 182) He told the Court
13 that when he noticed his mother dead, that he ran from the house,
14 and drove straight to the home of Sullivan. Telling the Court he
15 did not know why. This Court knows because of the comments made
16 by Kramer about Sullivans sexual involvement with Cobb. (CT61, 77,
17 60-82)(RT119)

18 Kramer noticed a ring on the night stand near the bed
19 of Cobb. (RT120, 126) Kramer also added that he had not touched anything
20 in the house at that time. Kramer offered that he had married his
21 sister Marta who was at one time his step sister. (RT188) They
22 stated he called the police immediately after discovering the
23 body. Deputy McCoy arrived at the scene on September 23, 1985 at
24 1400 hours. (RT213) and made diagrams of the scene, then took photo-
25 graphs. McCoy added during the trial that there was a six pack
26 of beer missing from the scene from the time he sketched the scene
27 and took photographs. McCoy stated that he found the body of Cobb
28 in a moderate state of decomposition (RT232-33) and found clothing

1 laying on the floor near the victims bed where she laid. (RT234)
2 McCoy noticed a watchband pin laying underneath the victims head,
3 and that Cobb had been killed on top of a clear surface of bedding
4 (RT237) McCoy noticed that Cobb had been wearing her watch and
5 that it was not broken (RT240) and determined that the house had
6 not been ransacked (RT238) noticing there was no sign of forcible
7 entry. (RT 242)

8 That same day criminalist Donald Jones arrived at the
9 scene. (Jones) Jones collected several pieces of evidences (RT254)
10 including the watchband pin underneath the victims head. (RT255,
11 258) He then took notice of the blood smears on the bedroom door
12 jamb and short wall across the hall from the room where Cobb had
13 been murdered. Jones took samples from the blood. (RT264, 293) and
14 collected bodily fluids from Cobb. (RT260, 262. Jones noticed
15 there was shorts over the victims mouth and face area (RT439)
16 and determined that Cobb had been killed by strangulation after
17 he located a wire around the victims neck. The DNA collected from
18 inside the cavity of Cobb had been matched to petitioner by CODIS
19 and during trial Jones offered the following testimony about that
20 evidence. (exhibit 51) (RT 317)(Cross examination)

21 Q- You said you found a large amount of sperm cells ?

22 A- Relatively large amounts compared to other sexual cases that
23 I worked.

24 Q-All right, but you have no knowledge of the person--that--the
25 sperm count of the person that made that deposit ?

26 A-Absolutely, that's correct.

27 Q-So it could have been- you can't tell the time based on just
28 looking at what you looked at ?

A-No sir.

1 Q- Okay, in other words, from the information that you had, the
2 sexual experience of the victim could have been at the time
3 of death, hours before the time of death, after death ?

4 A- That's probably true. I would say it probably wasn't days before
5 in terms of she had intercourse, several days passed and then
6 she died.

7 Q- Right

8 A- I'm fairly certain of that.

9 Q- Okay.

10 A- And if you take [THOSE DAYS AND SHRINK IT DOWN TO HOURS AND
11 SO FORTH, I CAN'T TELL YOU]

(RT 317)(several days passed then she died)

12 THERE WAS NO REDIRECT OR CHALLENGE TO THIS TESTIMONY!!

13 Another state expert testified named Dr. Saukel who was
14 the pathologist for this case. He examined all the evidences and
15 and determined Cobb had been dead for two days by the time she
16 had been found. (RT440) and that he located lacerations on the victim's
17 upper right outer ribcage and arm area. (RT 443) The doctor offered
18 that there was no scientific or physical evidences Cobb had in
19 fact been raped. (RT469) Adding that there was a wire located wrapped
20 around the neck of Cobb. (RT464,465) Then offering in his expert
21 opinion on direct examination by DDA Thomas, stated the following
22 regarding the DNA located from inside the body of Cobb matched
23 to petitioner; (RT490-91)(Q-DDA Thomas)(A- Dr Saukel)

24 Q- And as far as the sex was concerned, based on your training and
25 experience and based on what you ~~XXXXXX~~ termed [moderate] amount
26 of sperm cells, can you say that this occurred a week prior to
27 death ?

28 A- It would have to be shorter than that.

Q- How short ?

1 A- It could have been up to a day, a day and a half.

2 Q- Within a day and a half ?

3 A- Yes.

4 (RT490)(EMPHASIS ADDED) DAY AND A HALF!) (exhibit,51)

5 Earlier the criminalist Jone offered that the DNA could
6 be carried by objects that are touched calling this touch DNA.
7 That this would be a good source of DNA under certain examinations
8 ofr DNA. The criminalist then offered that these evidences collected
9 from the Cobb crime scene had been [contaminated] because of the
10 transference that occured when they placed all these evidences
11 into the same bags from the scene. (RT 300-320).

12 According to Kramer, his mother was despondent and
13 lonely. (RT119-120;2)(RT153;23-28). In fact her son after thinking
14 she had committed suicide beleived that Fred Berdard may be a suspect
15 for this crime. (RT149-152). It wass determined the message left
16 for Kramer was in fact based on urgency(RT42;6-28) because the
17 message by Cobbwas that she waas worried about someone. (RT107-
18 08) It was determined that Cobb after drinking a bottle of bourbon
19 herself also drank some whitelighting with Sullivan at the party
20 on September 20, 1985. (RT426, 427, 432, 433) There was no testifying
21 witness seen her alive after the party, even her own son had not
22 seen her for six weeks prior to the murder. (RT107, 141, 142) and
23 his last visit with his mother was very violent. (exhibit 15)

24 Ronald Kobbs had witnessed^d Kramer attacking his mother"
25 about this same time Kramer admitted going to his mothers house.
26 Kramer though stated that when he arrived at the residence he found
27 the drapes closed and believed this to be unusual. (RT 113) while
28 inside the hosue he found a foul odor inthe air. (RT113, 169)

1 When paramedics arrived they instructed Kramer and Marta
2 to stay out of the house until after the scene had been processed
3 (RT188) yet Kramer admitted that he violated that instruction. The
4 detectives spoke to a neighbor up the street named Dianne Flag
5 who knew alot about cars, and had seen certain cars parked in the
6 driveway the day of the murder. Recalling she seen a silver pinto
7 at the scene that day. (RT206-07)(exhibit 28) She offered that she
8 also seen a hitchhiker at the residence the same day.

9 Deputy coroner Marshall Franey was summoned and gave testi-
10 mony that he seen a white cloth in the victims mouth, covering her
11 face. (RT 439) That the state of decomposition of the body suggested
12 she had been dead for a day or two, or longer. (RT440) The coroner
13 offered that the discoloration on the ~~xxx~~ knee was possibly the
14 result of lavidity or a hand mark. (RT443) He said the wire wrapped
15 arounfd the victims neck was twisted tightly and into a knott to
16 the side of the victims neck. (RT444) The autopsy was conducted
17 by Dr Saukel who explained earlier, that the DNA collected matching
18 petitioner had been the result of a sexual encounter that occured
19 as much as a day and a half before Cobb had been killed. (RT490)
20 (exhibit 51) Saukel offered that the hyoid bone inthe victims neck
21 had been broken. (RT4575, 477) then explained how the process of,
22 dying by strangulation, ~~taking~~^{closing} the air way. (RT482-83)

23 Sheriff criminalist Monica Siewertsen gave testimony saying
24 the DNA matched to petitioner was processed through the CODIS data
25 base. ((Rt328, 340, 341). Offering that this DNA was on in three
26 quadrillion possibilities the human chain can create.

1 Criminalist Susan Anderson did a DNA analysis profile
2 of petitioners DNA and was the one who entered this into the CODIS
3 data bank. This specialist stated that if there is one number different
4 in the profile that the DNA being matched to, then it was not
5 the person. In this case there was several numbers that did not
6 match. (RT360, 361, 365, 367, 370).

7 The state then played a version of the interrogation
8 recording that had been collected on March 8, 2009 from three separate
9 recording devices. (Robert Alexander personal recorder) (Greg Myler
10 personal recorder) (Cam Corder located at the Signal Hill police
11 station) These recordings had been altered when they created a sing-
12 ular copy version the state used as exhibit 49 (compact disc) as
13 discussed above and later in this petition. The "copy" shown to the
14 jury is not available, nor was it provided to petitioner, or petit-
15 ioners counsel, that he is aware of. The state used a version that
16 was audio and visually matched to amount to a 2 hour and fifty
17 minute recording. The interrogation was a three hour and forty eight
18 minute interrogation in two different locations. The states exhibit
19 49A that had been placed into the states records was created on
20 November 23, 2010, one full year before the trial ever occurred.
21 The states exhibit 49a was a 113 page version of the transcripts.
22 The state also created on November 23, 2010 another copy that had
23 136 pages in it. Neight of these transcripts were accurate and had
24 petitioners answers that had been changed. (discussed later)
25 (CT517)CT522)(CT520,521) Petitioner in the interrogation denied hook-
26 ing up with the victim! While being interrogated ^{ABOUT} a murdered woman
27 and his sexual involvement with her while being interrogated in
28 front of his wife, mother in law, and three daughters!!!! ^{WITHOUT} MIRANDA

1 The defense presented no evidence, no testimony, and
2 did not provide an opening statement, and focused the closing statement
3 to information about the density of baseballs and bats, while telling
4 the jury about the wildness. Defense did correctly stated that
5 findings of the DNA, That it had been the result of an encounter
6 that occurred more than one and a half full days before the murder
7 occurred. The prosecutor offered a closing statement contradicting
8 the detectives testimony about there being fingerprints located
9 at the scene. While the detective stated there was a report he
10 did not know if it had been processed, but the prints of the defendant
11 had not been located. While the prosecutor stated there was no finger-
12 print evidences to this case at all.. (RT523)(discussed later)

13
14
15 SUPERIOR COURT HABEAS
16 WHCSS1200311
17 FIRST HABEAS CORPUS FILING IN 2012
18 THE HONORABLE JUDGE KYLE BRODIE

19 Petitioner filed a first habeas corpus on August 20, 2012
20 into the Superior Court of California, before his direct appeal
21 had been filed. Petitioner argued twelve grounds of federal error
22 that occurred before and during the trial. (exhibit 53-57)
23 The Court ordered informal briefing, which petitioner did without
24 any of the transcripts. Petitioner moved the Court to order the
25 release of the transcripts, which was rejected and ignored.. DDA
26 Ferguson argued for the state from the appellate division of the
27 county. Petitioner filed an objection for prejudice, because the
28 greater portion of the petition discussed misconduct by the prosec-
utors office. DDA Ferguson (Ferguson), argued information that did
not exist or grossly mistated facts about the case. (EXHIBIT 53)

1 On April 12, 2013 the Court requested reasons this case
2 should not be stayed until after the appeal/(exhibit 54) Petitioner
3 filed a brief arguing the Court had jurisdiction and asked for the
4 Court to grant leave to expand the record of thirteen more grounds
5 that developed in the habeas briefing and direct appeal briefing
6 that occurred after the habeas had been filed(exhibit 56) The motion
7 was denied on June 12, 2013. The Court then denied the habeas corpus
8 stating that petitioner did not have enough proof, or that the Court
9 lacked jurisdiction. (exhibit 57) The court ruled as follows;

10 Grounds

- 11 I.....This Court lacks jurisdiction to consider the claim
12 II.....Collusory allegations without more are insufficient
warrant habeas, petitioner has not met that burden.
13 III.....Petitioner has not shown that counsel was ineffective
14 and has not provided any evidences showing this
15 IV.....This Court lacks jurisdiction to consider this claim
16 VI.....Petitioners claim there was insufficient evidences to
support the conviction is not cognizable on habeas
17 VI.....This Court lacks jurisdiction to consider the claim
18 ~~XX~~
19 VII.....Collusory allegations about conspirac to alter evidence
20 does not warrant habeas relief.
21 VIII..... Petitioners allegations that counsel was ineffective
for not investigating burden was not met, petitioner
22 had not shown how the outcome would have changed
23 IX.....Collusory allegations are not sufficient to warrant habeas
24 X.....This Court lacks jurisdiction to consider the claim
25 XI.....This court lacks jurisdiction to, consider the claim
26 XII.....This Court lacks jurisdiction to consider the claim

27 COURT OF APPEAL HABEAS SUMMARILY DENIED 1/14/14
ON THIRTY TWO GROUNDS
28 STATE SUPREME COURT HABEAS SUMMARILY DENIED 7/16/14
ON FORTY TWO GROUNDS
COURT OF APPEAL-66

1 With regards to the informal order by the Court
2 (exhibit 53) The Court asked regarding five of the twelve grounds
3 be responded to by informal briefing. DDA Ferguson defended the
4 state. The Court addressed (ground one) the use of petitioners case
5 in a campaign smear right before the trial asking (1) Was petitioners
6 case and likeness used shortly before the trial (2) and if so,
7 was this addressed by the trial court. The district attorney disputed
8 this saying that this had been addressed by the court, and there
9 was no prejudice. (exhibit 36) First this case filed against the
10 district attorney had been current and standing for future case
11 developments at the time trial had occurred. ~~XXXXXXXXXXXXXXXXXXXX~~
12 ~~XXXXXX~~ Second the Court at the time of the recusal motion stated
13 "at this time" the Court does not recognize the prejudice which
14 could have occurred as a result of this use of petitioners case.
15 (THIS HEARING WAS HELD THREE MONTHS BEFORE THE TRIAL) Therefore
16 the Courts use of language [AT THIS TIME] could not have carried
17 into the courtroom on the first day of voir dire when every juror
18 in the courtroom stated they seen the flyers they ~~had~~ had gotten five
19 months prior, and still made comments. The court did not ask one
20 question about the prejudice from the flyers even after jurors made
21 statements to the entire courtroom on the record (THAT WHEN THERE
22 IS THAT MUCH SMOKE THERE MUST BE FIRE) (THERE IS NO WAY THE COUNTY
23 WOULD DO SUCH A THING UNLESS THEY HAD PROOF OF GUILT BEFORE THEY
24 MAILED THOSE FLYERS) (YABLONSKY HAD BEEN SHAFTED). Petitioner did
25 dispute this and filed opposition briefs. (exhibit 55) Petitioner
26 argued under (WILSON, 149 f3d 1298(1998) and (CARGLE V MULLIN, 317
27 f3d 1196) and (BESS, 593 f2d 749(1979)). In the Courts denial the
28 Court (exhibit 57) stated that respondent (DDA Ferguson) set forth

1 detailed factual summary of the case which petitioner did not dispute
2 in his reply. (exhibit 5) Petitioner move the Superior and Supreme
3 Courts for trial transcripts) (exhibit 6) Petitioner was denied
4 access to these transcripts at the Court of appeals level, [twice].

5 The Court stated that the campaign materials were discussed
6 at trial, buit did not state to what length, therefore the Court
7 ignored the plea for relief and stated the Court lacked jurisdiction
8 to "consider" the claim !. Ground three the Court asked whther
9 trial counsel was ineffective for failure to investigate the DNA from
10 this case (1) and whether there was a man who alleged to have confes****
11 essed too this case (exhibit 53) DDA Gerguson argued that detec-
12 tive Myler had given trial counsel all the DNA evidences to this
13 case, and (1) that because petitioner could not prove the red hair
14 ~~being~~ was actually red, or that petitioner could not prove it bel-
15 onged to the man who confessed the argument failed (2) DDA then
16 argued that just because there is another mans DNA inside the bedroom
17 regarding the watchband pin does nopt mean they killed [anybody],
18 suggesting the victim collected that watchband pin collected from
19 underneath her head (2) That trial counsel had sought DNA expert
20 funds without success, stating the Court denied that motion because
21 it had no merit. (EXHIBIT 50) TRIAL COUNSEL ASKED FOR LAB ESTIMATE
22 *BUT NEVER! SOUGHT DNA FUNDING THEREFORE FERGISSON LIED !!*
23 First there was not only a confession to this crime,
24 but that Backhoff had been arrested for this case. (exhibit 16)
25 His DNAS was matched to this case and this scene and was a suspect
26 to another murder typed byb the FBI as a serial murder. Second this
27 DNA located on the red hair that was collected fromthe victimsd
28 body (exhibit 17)(exhibit 26) indicating the hair was in fact
red, and had been processed by government labratories.

1 Then evenj though all the DNA had been made available~~ed~~
2 to the trial counsel there was no such request for funding to have
3 anything examined. (exhibit 50) Trial counsel sought an estimate
4 and when the labrarotry responded with an estimate trial counsel
5 did not folow through, therefore there was no testing of the red
6 hair, watchband pin, ~~xxxx~~ smear in the voictims blood with the
7 suspects hands that did not wear gloves, nor the cigarette butts
8 that were eventually matched t0 backhoff./ In fact trial counsel
9 was so ineffective he could not write a motion without serving the
10 correct parties. (exhibit 36, pp.1;27-28) (exhibit 49, p.3;14-15)

11 The fact the district attorney placed the burden upon petitione
12 to prove the DNA in the hair or the watchband pin did not belong
13 to petitioenr was a burden that petitioner was not suppose to have
14 to make.....from a prison cell. Furhtermore DDA ferguson stated
15 that petitioenrs DNA was located underneath the victims body which
16 is not only untrue, but indicate there wass no boundery regarding
17 facts or fiction with this man. (see entire DNA experts testimony
18 by (Criminalist Jones) (Crininalist Anderson)(Pathologist Saukel)
19 (Coroner Franey)(NOT ONE EXPERT OR PIECE OF EVIDENCE SHOWS PETITIOENRS
20 DNA WAS LOCATED UNDERNEATH THE VICTIM AT ALL) The Court argued the
21 DNA matched to petitioner was powerful but ignored the fact petitioner
22 DNA was older than the murder by 1 ½ days (RT490) and several days
23 by another expert(RT317) The Court argued that petitioner had not
24 met his burden at that time.

25 Ground four, the Court addressed whether witnesses gave
26 false testimony at trial. (Bruce Nash)(John Sullivan))Dayyll Kramer)
27 (DDA Thopmas)(Robert Alexander) and Ferguson argued that there
28 may be inconsistancies in statements, but " THAT INCONSISTANT

1 TESTIMONY IS NOT SYNONOMOUS TO PERJURY". The Court denied this
2 stating that these facts were before the appelalate court (exhibit
3 56 ,p.8;20-23) First this fingerprint report although before the
4 Court of appeal, the argument had nothing regarding the subornation
5 of perjury calaim the Court had an obligation to hear. Even though
6 the Court denied lack of jurisdiction.

7 DDA Ferguson argued for the stage suggesting that there was
8 no such mistatments or perjury regarding Bruce Nash, John Sullivan
9 or the detective Robert Alexander. First the original interviews
10 with Nash, Sullivan are the same facts provided by Cynthia Hooper
11 (exhibuit 20) Francesca Drake /Sullivan (exhibit 14) that-Cobb
12 arrived-at-the-aprty-around-7;30-p.m-drinking-a-bottle-of-burbeoun

13 Nash' statement in 1985 was that Mrs Cobb arrived at the
14 aprty at 1930 hours drinking a bottle of burboun hereselkf and became
15 too drunk to drive in his opinion that he offered to drive her home.
16 He then state he left the aprty at 2145 hours leaving Mrs Cobb at
17 the party while he and Cynthia left. In 2009 Nash was reinterviewed
18 by Greg Myler about the last known knowledge regarding Mrs Cobb.
19 Bruce Nash repeated that 1985 statement letter for letter, adding
20 that Mrs Cobb told him whenh she refused his offer to drive her
21 home was that she was going to a bar called the Zodiac Lounge.
22 (exhibit 13-2) On the stand though Nash stated that he believed
23 Mrs Cobb to have been headed home after the aprty. Strikingly differ-
24 ent that his 1985 and 2009 statements. Making this perjury. The
25 two previous statements over a period of 25 years qwas the same
26 su ggesting knowledge and truth of the factrs. Making the 2011 test-
27 imony he believed Mrs Cobb to be headed home a LIE! The prosecutor
28 knew it because his investigators did the interview.

COURT OF ~~APPEAL~~-70

COURT OF ~~APPEAL~~-70

1 John Sullivan statements in 1985 were the same as the
2 statements given by his wife Francesca and the other party goers
3 on that Friuday September 20, 1985 night. That Cobb arrived at 1930
4 hours drinkning a bottle of burboun alone and then drank more when
5 that wa gone. (exhibit 14) John Sullivan stated the same as his
6 wife that he had fallen asleep around 2230 hours after Nash and
7 Cynthia had already left the ~~aprt~~ party but before Mrs Cobb had
8 left (exhibit 14-1, 14-2) In 2009 Sullivan was reinterviewed by
9 Greg Myler as well. Only in this statement 25 years later Sullivan
10 contradicted his 1985 statement, as well as Nash' 2009 statement.
11 Now Sullivan told Myler that he remembers seeing Bruce Nash giving
12 Mrs Cobb a drive home. (exhibit 14-3) Sullivan added that he drank
13 white lightening with Mrs Cobb , and that at 2200 hours Cobb stated
14 it wass time to go home. Sullivan stated that he witnessed Nash
15 and Hooper driving Cobb home in her caddilac.

16 Even though Sullivans statement in 2009 was different
17 than Nash's 1985 statement, 2009 statement, and Francesca statements
18 in 1985, or his own statments in 1985 the state still used this
19 unrelaible witness they knew would give false testimony. During
20 trial and immediatley after the testimony of Bruce Nash who stated
21 he left the aprty without giving Mrs Cobb a ride home. John Sullivan
22 got onto the stand and testified that he personally remembers 25
23 years later than he did three days after that he seen Bruce Nash
24 and Cynthia Hopper giving Mrs Cobb a ride hom. Not only was this
25 testimony confusing, but was known to be false according to the
26 rest of the state entire witness es. (THIS IS THE ONLY INCONSUISSTANT
27 TESTIMONY GIVEN AND THE PROSECUTOR KNEW IT WOULD BE WHICH IS WHY
28 THEY USED HIS TESTINONY TO CONFUSE THE JURORS)

1 Detective Alexander got onto the stand and testified
2 saying that he was not sure a report exists (1) Whether it had been
3 developed (2) and if it had he cannot recall all the name they had
4 been matched to (3) (see exhibit 59). The report is simple two
5 page report nad has two conclusoive readintgs. Mrs Rita Cobb abd
6 Mr Joseph Saunders. Very intelligable and simple. Although the prosec-
7 tuors closing arguments will verify that these transcripts were
8 washed (exhibit 59-1) compared tothe alleged testimony given by
9 Alexander (exhibit 59-3&4)

10 The facts that these witnesses gave deliberate or unintention-
11 al false testimony is irrelevant unti the prosecutor who knew they
12 were lying chose not to correct them. These are blatant lies on
13 behalf of Nash and Alexander about relevan tand material evidneces
14 that should have been made known. In this case because DDA Ferguson
15 alsowashed the false testimony affects the Court determined that
16 the Court lacked jurisdiction to consider the matter. (exhibit 57-6)

17 Ground seven > The Court inquired about the altered evidnece
18 allegations made by petitioner, while the only set of transcripts
19 placed into that record were the 113 page copy. DDA Ferguson clearly
20 admitted that this was a copy used in the hearing and that the jurors
21 relied on this to make their decision. Ferguson then commented just
22 as the jurors seen that in these transcripts petitioner had stated
23 he had a key to the home of Rita Cobb. Giving the juror knowledge
24 that petitioner had taken a key without permission, returned some
25 tim elater and killed Mrs Cobb adfter raping her. (see exhibits
26 63, 64, <65.) These exibits show that the answers were in fact changed.
27 Neither of these are the one used in the trial. In fact states exhibit
28 49 and 49A are not alike to any degree. One is one full hour longer.
That also has redacted audio, along with editing issues.

1 This is known as states exhibit 49 (compact disc of three separate
2 recordings from two separate interrogations). The other is a copy
3 that had been created on November 23, 2010 where the petitioners
4 answers had been changed. (see one hour seven minutes into states
5 exhibit 49 and petitioners exhibit 65) (compare to states exhibit
6 49A the one used by DDA Ferguson argument).

7 These satisfy that the prosecutor not only knew the
8 evidence was altered by way of audio and text, but used it to
9 coerce a verdict. The Court states that collusory allegations of
10 altered evidence is insufficient to grant habeas .(P.C. § 1473)
11 Petitioners allegation was not that they conspired to alter evidence
12 but that the state conspire to make evidence that were shown to the
13 jury. DDA Ferguson's argument support that this evidence was in fact
14 used to convince the jurors. Ground nine Petitioner argued that
15 trial counsel failed to object to the lies by the state regarding Nash,
16 Sullivan, Kramer, and Alexander. The Court chose to state that counsel
17 failed to ask additional questions (exhibit 57-9) is beside the
18 point. That counsel's performance would be presumed competent. Adding
19 that failure to object would be a tactical choice for the counsel
20 and not the client. The Court gave counsel Sanders a lot of credit
21 for the investigations when the records are absolutely absent of
22 any proof the counsel investigated anything, and what the counsel
23 did do was substandard when he could not follow court rules and
24 serve parties, or could not remember his clients name. (exhibit 36,
25 49) The Court addresses the possible confession by Gregory Randolph
26 as conclusory without sufficient basis to grant habeas (exhibit
27 57-9) The Court found counsel was not ineffective for not bringing
28 the confession reports, which is odd because the Court of Appeals

1 The bill affecting the laws made it a felony and
2 punishable by imprisonment for 16 months, two
3 years or three for a prosecuting attorney to intent-
4 ionally and in bad faith alter, modify, or withhold
5 physical matter, digital image, video recording
6 or relevant exculpatory material information knowing
7 that it is relevant and material to the outcome
8 of the case, with specific intent that the physical
9 matter digital image, video recording, or relevant
10 exculpatory material information will be concealed
11 or destroyed or fraudulently represented as
12 the original evidence upon the trial.

(SEE EXHIBITS 41, 42, 43, 63, 64, 65!!)
see exhibit 61

8
9 Senate bill 1134

10 This bill passed directly affecting P.C. §§§§§ 1473,
11 1485.5, 1485.55 relating to habeas corpus and newly
12 discovered evidence. This bill passed on 2017 regarding
13 the use of false evidence threshold under review.

14 Existing law required every person who is unlawfully
15 imprisoned or restrained of his liberty to prosecute
16 a habeas corpus to inquire into the lawfulness of the
17 incarceration or restraint. Existing laws allow
18 a habeas corpus to be prosecuted for but not limited
19 to false evidence that is substantially material
20 or probative to the issue of guilt or punishment that
21 was introduced at trial and false physical evidence
22 which was a material factor directly
23 related to the plea of guilty of a person.

24 This law will now include additional habeas to be
25 prosecuted on the basis of newly discovered evidence
26 that is credible, material, and presented without
27 substantial delay and of such decisiveness force ~~xxx~~
28 and value that it would have more likely than not
changed the outcome of the trial

SEE EXHIBIT 61

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SWORN DECLARATION MADE BY
JOHN HENRY YABLONSKY UNDER THE
PENALTY OF PERJURY

I John Henry yablonsky an adult capable of giving testimony
under oath swear the following under the penalty of perjury
of the state of California as according to knowledge and
belief as the truth in this matter.

1 I swesar the following under oath and if called to testify
2 will state the same in a court of law under the penalty of
3 perjury.

4 That I know Mrs Rita Mabel Cobb as being her tenant at one
5 point inthe beginning of the year 1985. That I resided behind
6 her house ina bungalo that me and my wife rented from her with
7 our son. That we paid rents to Mrs Cobb for a few months and
8 chose to move away in the middle of the same year. 1985.
9 That I had began a sexual relationship with Mrs Cobb prior
10 to my family moving frombehind her house and continued to have
11 sexual relations with Mrs Cobb after we had moved awayt. That
12 My family Holly Mitchell and Son John Henry yabnlonsky Jr.
13 moved about a mile up the street and remained in contact
14 with Mrs Cobb after we moved awayt.

15 That after moving away I had hyad sexual relations wñth Mrs
16 Cobb on a few occaisions in different areas of the valley.
17 One time in a hotel in Apple Valley california, and another
18 in my home I had just move on Fairlane rd, and another at her
19 residence. These sexual relations were consensual and non violent.
20 The last time I had sex with Mrs Cobb was at her house on or
21 about September 18, 1985 around noon time and this sexual activity
22 included another sex partmer name unknown. Another femmale.

23 That at this sexual encounter we had sex in a variety of position
24 and locations of the house to include the livingroom area, and
25 the dining office area where there was a table, chairs and
26 desk. These actions were consensual by all three parties and
27 nonviolent in nature. I chose to leave the sexual activity
28 because the one woman stated that she exopected her husband
to arrive shortly, and wished for me to meet him. I did not
have that same desire. When I left the house both women were
still engaged in sex at the dining table sdesk area and were
both alive.

19 When I left the residence I drove to Downey California where
20 I stayed with inlaw relatives for the remainder of that weekend
21 and into the beginning of the folowing week. On or about Monday
22 September 23, 1985 was whenI returened fro Downey back to Lucerne
23 Valley. The purpose of making the trip that time was to recover
24 my wife Holly Yablonsky who had been rpegnant and was delievered
25 there for medical saftey reasoins the week prior due to work
26 that took myself out of two. Holly had been delievered to Downey
27 at the Mullen residence(her grandparents) on September 14,
28 1985 so that I could work out of twon and not take a medical
chance with Holly going into labor with out chold while I was
out of twon. I worked in constructiupon with my father as contract
actors, and at times stayed in other towns to reduce commute
time and inconvenience.

29 I do not know, who committed the murder to Mrs Cobb. I did
30 not committ the crime of murderr to Mrs Cobb nor did I take
31 any part in her killing to n any degree. I did not learn about
32 her death until I returned fro Downey Califoirnia

1 There would be corroborating statements available by other
2 family members of the Mullen residence, except they are passed
3 away. This can also be possibly verified by Linda Mitchell
4 about the stay in Downey the weekend before Holly gave birth
5 to Jasmine Yablonsky which occurred on September 30, 1985 the
6 weekend after the murder. Holly Yablonsky now Brown will offer
7 scorn testimony and may even admit that petitioner killed the
8 president Kennedy if she thought it would help hurt me.
9 There is Joy Mitchell who may also be able to provide testimony
10 supporting this visit as well as Holly's uncle (name unknown).
11 The above declaration was made with belief and knowledge as
12 being the truth in this matter.

13 I DID NOT KILL RITA MABEL COBB!!

14 November

15 2018

16 John Henry Yablonsky

17 STATUTES THAT APPLY BUT ARE NOT LIMITED TO

18 P.C. § 1473(a)(b)(1)(2)(c)

19 Every person unlawfully imprisoned or restrained of his
20 liberty under [any] pretense whatsoever, may prosecute a writ of
21 habeas corpus, to inquire into the cause of such imprisonment
22 or restraint (b) A writ of habeas may be prosecuted for but not
23 limited to the following reasons;

24 (1) False evidence that is substantially material or
25 probative on the issue of guilt or punishment was introduced
26 against a person at [any] hearing or trial relating to incar-
27 ceration; or

28 (2) False physical evidence, believed by a person to
be factual probative or material on the issue of guilt, which
was known by the person at the time of entering a plea of
guilt which was material factors directly related to the plea
of guilt by a person

1 Subsection (c) states any alleged that the prosecutor knew
2 or should have known of the false nature of the evidence refer-
3 ed to in subdivision (b) is material to the prosecution of
4 a writ of habeas corpus.

4 United States Constitution IV. Amendment § 1

5 The right of the people to be secure in their person, houses
6 , papers and effects against unreasonable searches and seizures
7 shall not be violated, and no warrant shall issue but upon
8 probable cause, supported by oath or affirmation and particu-
9 larity describing the open place to be searched and person
10 or things seized.

9 United States Constitution V Amendment § 1.

10 No person shall be held to answer for a capital or other
11 wise infamous crime, unless on the presentment or indictment
12 of a grand jury, except in cases arising in the land or naval
13 forces, or in the militia when an actual service in time for
14 war or public danger, nor shall any person be subject to the
15 same offense twice be put into jeopardy of life or limb, nor
16 shall be compelled in any criminal case to be a witness against
17 himself, not be deprived of life, liberty or property without
18 the due process of law, nor shall private property be taken
19 without just compensation.

17 United States constitution VI amendment § 1)

18 In all criminal cases prosecutions the accused shall enjoy
19 the right to a speedy trial, by an impartial jury of the
20 states district wherein the crime shall have been committed.
21 Which district shall have been previously ascertained by
22 law, and to be informed of the nature and cause of the accusa-
23 tion, to be confronted with witnesses against him, and
24 to have compulsory witnesses process in his favor and to
25 have the assistance of counsel for his defense.

22 United States Constitution XIV Amendment § 1)

23 All persons born or naturalized in the United States and subject
24 to the jurisdiction thereof, are citizens of the United States
25 and of the state wherein they reside. No state shall make
26 or enforce any law which shall abridge the privileges or immu-
27 nities of citizens of the United States, nor shall any state
28 deprive any person of life, liberty or property without the
due process of law nor deny to any person within its jurisdiction
the equal protection of the laws.

1 P.C. § 134

2 Every person guilty of preparing any false or antedated
3 book, record, instrument in writing, or any matter or thing
4 with the intent to produce it or allow it to be produced for
5 [any] fraudulent or deceitful purpose as genuine or true
upon any trial proceeding or inquiry whatever authorized
by law is guilty of a felony

6 P.C. § 135

7 Every person who knowingly that any book, record, instrument
8 in writing or other matter or thing is about to be produced
9 in evidence upon any trial, inquiry or investigations whatever,
authorized by law willfully destroys or conceals the same,
with the intent thereby to prevent it from being produced
is guilty of a misdemeanor

10
11 P.C. § 141

12 Except as otherwise provided in subsection (b) any person
13 who knowingly, willfully, and intentionally alters, modifies,
14 places, manufactures, conceals or moves any physical matter
15 with specific intent that the action will result in a person
being charged with a crime or with specific intent that
the physical matter will be wrongfully produced as genuine
or true upon any trial, proceeding or inquiry whatever is
guilty of a felony

16 Rule 3.8. Responsibilities of prosecutor

17 The prosecutors in criminal cases shall;

- 18 a) Not institute or continue to charge prosecute a charge
that the prosecutor knows is not supported by probable
19 cause.
- 20 b) Make reasonable efforts to assure that the accused has
been advised of the right to counsel and the procedure
21 for obtaining counsel and has been given reasonable oppor-
tunity to obtain counsel
- 22 c) Not seek to, obtain from an unrepresented accused a waiver
of important pretrial rights unless tribunal has approved
23 the appearance of the accused in propria persona
- 24 d) Make timely disclosure to the defense of all the evidence
25 or information known to the prosecutor that the prosecutor
know or reasonably should know tends to negate the guilt
26 of the accused, mitigate the offense, or mitigate the
sentence except when the prosecutor is relieved of this
27 responsibility by a protective order of the tribunal.

28 ~~XX) Extends reasonable means to prevent persons including witnesses~~

1 e) Exercise reasonable care to prevent persons under the supervision or direction of the prosecutor, including investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in criminal cases from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 3.6

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5 f) When a prosecutor knows of new, credible and material evidence created by a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted the prosecutor shall;

6
7 1) Promptly disclose that evidence to an appropriate authority

8 2) If the conviction was obtained in the prosecutor's jurisdiction the prosecutor shall

9 i) promptly disclose that evidence to the defendant unless a court authorizes the delay.

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11 ii) undertake further investigations, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit

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14 g) When a prosecutor knows of clear and convincing evidence established that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction

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17 Rule 3.8 Special responsibilities

18 The prosecutor in criminal cases shall;

19 a) Not institute or continue to prosecute a charge the prosecutor knows is not supported by ~~the~~-probable cause

20 b) Make reasonable efforts to assure that the accused has been advised of the right to and the procedure to obtain counsel and has been given this reasonable opportunity to obtain counsel

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23 c) Not seek to obtain from unrepresented accused a waiver of important pretrial rights unless a tribunal has approved the appearance of the accused in propria persona

24
25 d) Make timely disclosure to the defendant or all evidence or information known to the prosecutor that the prosecutor knows or reasonably should know tends to negate the guilt or sentence except when the prosecutor is relieved of this responsibility by a protective order of the tribunal

- 1 e) exercise reasonable care to prevent persons under the
 2 supervision or direction of the prosecutor including
 3 investigators, law enforcement, employees or other persons
 4 assisting or associated with the prosecutor in a criminal
 5 case from making extrajudicial statements that the pro-
 6 secutor would be prohibited from making under rule 3.6
- f) When a prosecutor knows of new, credible and material
 7 evidence creating a reasonable likelihood that a convicted
 8 defendant did not commit an offense or which the defendant
 9 was convicted, the prosecutor shall;
- 1) Promptly disclose that evidence to the proper authority
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- 2) If the conviction was obtained in the prosecution juris-
 29 diction;
- i) Promptly disclose that evidence to the defendant unless
 30 a court authorizes the delay
- ii) Undertake further investigations or make reasonable
 31 efforts to cause an investigation to determine whether
 32 the defendant was convicted of an offense that the
 33 defendant did not commit
- g) When a prosecutor knows of clear and convincing evidence
 34 established that a defendant in the prosecutor's juris-
 35 diction was convicted of an offense that the defendant
 36 did not commit, the prosecutor shall seek to remedy
 37 the conviction

18 STANDARD OF REVIEW IN THIS CASE

19 A STATE COURT CANNOT REFUSE TO CONSIDER FEDERAL QUESTIONS REGARDING
 20 COLLATERAL POST TRIAL ATTACKS

21 A state court cannot refuse to consider "federal questions
 22 of law regarding collateral attacks against state court conviction.
 23 In Re Panchot 70 Cal.2d 105(1969) and an independent action as habeas
 24 corpus to consider secure discharge from imprisonment. Francev
 25 Superior Court 201 CAL 122(1927); In Re Applications of Jacinto
 26 8 CAL.app.2d 275(1935); In Re Application of Conner 16 Cal.2d 701,
 27 cert den., Conner v California 313 US 542(1941). Habeas corpus
 28 and not coram nobis is the correct vehicle to collaterally attack

1 a judgment of conviction which had been obtained in violation to
2 fundamental constitution rights People c Sorenson(1952 CalApp.)
3 111 Cal.App.2d 404; In Re Winchester(1960) 53 Cal.2d 528, cert
4 den,(1960) 363 US 852. In order to justify relief under habeas
5 corpus on grounds counsel was inadequate, it [must] appear that
6 the trial was reduced rto a farce or sham throught the counsels
7 lack of knowledge or competence, diligence or understanding of
8 the law In Re Beaty(1966)64 Cal.2d 760; California constitution
9 Article I § 13; In Re Perez(1966) 65 Cal.2d 224; In Re Wimbs(1966)
10 65 Cal.2d 490. and the adequacy of a waiver of copunsel by defendant
11 can only be challenged by petitioner for habeas corpus after the
12 final judgment. Where a loss or impairment of a crucial defense
13 results fromthat impairment(emphasis) In Re Bell(1967 Cal.App.3d)
14 247 Cal.app.2d 655 overrrule In Re Smiley(1967) 66 Cal.app.2d 606.

15 A habeas corpus may be granted on the basis of newly discovere
16 evidnece that undermines the prosecutors case. In Re Branch(1969)
17 70 Cal.2d 200. If any representative of the state [connected] with
18 the prosecutors office either gives perjured testimony or knows
19 the prosecutoion witness have p~~erjures~~ themselves habeass corpus
20 wil. issue. It 9is immat~~erail~~ if the prosecutor did not know himself.
21 In Re Imbler (1963) 60 Cal.2d 554, cdrt den, Imbler v Cal;ifornia
22 (1964)379 US 908, even regarding testimony about fingerprints
23 (CITATION)(CITATION) and especially about the contents of altered
24 evidnece(CITATION)(CITZATION)In Re Lessard*196562 Cal.2d 497;
25 People v Williams (1965)238 Cal.app.2d 585 and that the prosecution
26 knowijg offered the perjured testimnoy In Re Bunker(1967)252 Cal.app.2d
27 297;Bunker v California(1968)390 US 964

1 ERROR OF FACT

2 To vacate a judgment when error of fact affected the judgment
3 that did not go to the merits of the previously tried when ;

- 4 a) When there is no other remedy available
5 b) Due diligence pursuing these facts was exercised

6 And must be filed as soon as the error was discovered
7 and showing of preperatrion of the evidence that petitioner was
8 deprived of substantial legal rights by the factual error denial
9 of petitioner appealing to the next higher court. Coram Nobis
10 is an extraordinary writ available to remedies People v Miller
11 (1963) 219 Cal. ~~XX~~ App.2d 124. It becomes a collateral attack when
12 no other remedy exists while facts existed which would have affected
13 the previous judgment People v Kim 45 Cal.4th 1075(2009) It's pur-
14 pose is to enable a convicted person, even after appeal and affirm-
15 ing of the judgment, to establish that [IT TRUTH] the judgment
16 was procured under circumstances which offends fundamental concept
17 to justice such as due process clause of the 14th amendment. People
18 v Shorts(1948)32 Cal.2d 502

19
20 SUCCESSIVE PETITIONS

21 A successive habeas corpus petition can lie when facts,
22 evidences and authority are developed to support the petition.
23 People v Duval. (1995)9 Cal.4th 464. When false evidences were dis-
24 covered that are material or probative to the allegation. P.C. §1473
25 In Re Richards(2012)55 ~~XXXX~~ C.4th 948(including expert opinions
26 being reputiated or [technology]) (RICHARDS) or when false evidence
27 was a factor which was material to guilt or sentence.(RICHARDS)

NEWLY DISCOVERED EVIDENCE

1
2 Newly discovered evidence is evidence that would have
3 changed to likelihood of the outcome In Re Miles (2017) 7 Cal.app.5th
4 821. Supporting P.C. §§1473. Ineffective assistance of counsel for failing
5 to file suppressions motions People v Mendoza(1997)15 C4th 264
6 for failing to file insufficient evidence on appeal In Re Spears
7 (1984)157 CA3d 1203. The newly discovered evidences are discussed
8 at length In Re Miles 7 Cal.app.5th 821(2017) This standard set
9 forth regarding "more likely than not" for new evidence habeas
10 claims is close to but does not have the same meaning as the familiar
11 prejudice standard appellate courts use when determining whether
12 state law error affected the outcome of the trial. Nor does "more
13 likely than not" have the same meaning as the phrase "preponderance
14 of the evidence". The burden of proof in civil litigations. In
15 a civil case the party with the burden of proof must convince
16 the ~~trial~~ trier of fact that existence of a particular fact is
17 more probable than its non existence, a degree of proof usually
18 described as proof by a preponderance of the evidence is evidence
19 is a different burden of proof from proof beyond reasonable doubt.
20 A fact is proved by the preponderance of the evidence if juror [could]
21 conclude that it is more likely than not that the fact is true
22 Cal.Crim No.1191 New evidence that undermined the prosecution's case
23 and point unerringly to [innocence]. In Re Johnson (1998) 18 Cal.4th
24 447

25 The evidence could not have been discovered prior to
26 trial through the exercise of due diligence. The former Habeas
27 corpus standard for new evidence claims require that Habeas Corpus
28 petitions are acted with reasonable diligence in presenting their

1 (see In Re Happy(2007)41 Cal.4th 977)([T]he petitioners evidence
2 was not newly discovered evidence because it was reasonably available
3 to him prior to trial" ... "Had he conducted a reasonable thorough
4 pretrial investigation" the term "reasonable diligence" and Due
5 diligence are essentially interchangeable. (People v Cromer(2001)
6 24 Cal.4th 889; See also People v Herrera (2010) 49 Cal.4th 613

7 NOTICE DUE DILIGENCE STATED ABOVE

8 SEE PAGES 9:16 THROUGH 12:22

9 SEE EXHIBITS 1 THROUGH 11A

10 Newly discovered evidence is material to defendant if
11 defendant could not have with reasonable diligence, have discovered
12 these evidences prior to the trial. P.C. § 1181(8) Case law has ident-
13 ified five factors to consider when ruling on motion based on newl
14 discovered evidence;

- 15 1)The evidence and not merely its materiality be discovered
- 16 2)The evidence is not merely materiality cumulative
- 17 3)That it be of such to render a different result probably based
18 on all the evidences presented at the trial
- 19 4)That the party could not with reasonable diligence have disc-
20 overed and produced it at trial
- 21 5)That these facts be shown by the best evidence of which the
22 case admits

23 Moreover the moving paper should be granted when new evidence
24 contradicts the strongest evidence introduced at trial. People v
25 Hall187 Cal.App.4th 282(2010); Kabran v Sharp Medical Hois, 236 Cal.
26 App.4th 1294(2015); People v O'Malley 62 Cal.4th 944(2016);
27 Aron v WIB Holin, 21 Cal.app.5th 1069(2018). In fact new evidence
28 within the meaning of C.C.P. § 657(4) must be evidence that was in
existence at the time of trial on the motion. Normally to support
a motion for new trial on the ground, the Court, must determine if

1 the evidence was in existence at the time of the trial and could
2 not have been discovered with reasonable diligence. That the Court
3 t ruling on a new trial motion pursuant to C.C.P. § 652(4) must first
4 determine whether proffered existed at the time of the trial is
5 consistant with statutory language that the evidnece be [NEW EVIDENCE]
6 implicit that term is the concept that the evidence existed, but
7 remain undoscovered at the time of the trial. In Re Miles 7 Cal.app.5th
8 821 (2017). People v Bangeneauar (1871) (CAL) 40 CAL 615; People
9 v Skoff(1933) 131 Cal.app. 235. This may be viewed for abuse of discret-
10 ion regarding request for new trial. People v McGarry (1995) 42 Cal.2d
11 429. The permissible grounds for new trial is derived from the trial
12 court constitutional duty to ensure that the accused gets a fair
13 trial in allowing due process, a duty which may not be abridged by
14 statute. People v Davis (Cal.App.1st)(1973) 31 Cal.app.3d 106.

15 Where a prosecutor mistates facts where it is clear the
16 mistatement was in bad faith in an effort to influence the jury.
17 People v Searcey (CAL 1898) 121 CAL 1. and could not be purged by
18 an instruction or abonition where evidence th ough sufficient does
19 not unerringly poiint to defendants guilt, such misconduct which
20 may be turned of the scale against the defendant in a closely balanced
21 case is the result of a miscarriage of justice. People v Kirkes(CAL
22 1952) 39 Cal.2d 719 (cotation)(citation). The trem misconduct when
23 applied to an act of an attorney dishonesty or attempt to persuade
24 the Court by usae of deceptive or reprehensible methods will not
25 be tollerable. People v Baker Cal.App.2d Dist) (1962)207 Cal.app.2d
26 717. Habeass corpus can be used to advance contentions to a right
27 to counsel, at least where no other remedy was available. People
28 v Adams (CAL 1952) 39 Cal.2d 41 abd that the defendant was deprived
to counsel under the meaning of the VI amendment US Constitutioun.

1 The judge that pronounced against the accused in absence
2 of counsel was vulnerable to attack by habeas corpus*In Re Levi
3 (CAL1949) 34 Cal.2d 320. And that the result of trial counsels
4 inadequacies, failures, incompetences reduced the trial to a farce
5 and sham In Re Beaty(CAL1966) 64 Cal.2d 760; In Re Van Brunt(CAL.
6 APP.3d Dist 1966) 242 Cal.app.2d 96.

7 Under Brady the prosecution is responsible for disclosure
8 of "evidence that is both favorable to the accused and material
9 to, the guilt or punishment "United States v Bagley(1985) 473 US
10 667 Failure to turn over such evidence violates due process. *Weary
11 v Gain 136 S.Ct. 1002(2016) The prosecutor duty to disclose material
12 evidence favorable to defendant "is applicable even though there
13 has been no request by the accused, and....encompasses [impeachment]
14 evidences as well as exculpatory evidence. *Strickler v Greene 527
15 US 263(1999). Under Napue convictions obtained through the use
16 of false testimony also violated due process [360 US 269], a violation
17 occurs whether prosecutor solicited the false statements or merely
18 allows false testimony to go uncorrected. Id. The constitutional
19 ~~prohibition~~ prohibition applies even when the testimony is only
20 irrelevant to a witnesses credibility Id. and where the testimony
21 misrepresents the [truth]" Miller v Pate 386 US 1(1967)("prosecutor
22 deliberately misrepresents of the truth" by presenting testimony
23 that shorts with a large reddish brown hair stains test positive
24 for blood, while elaving out that the stains were made by paint")
25 (citation)People v Martinez36, Cal.3d 816(1984) The right to competent
26 counsel (quoting) People v Pope(1979) 23 Cal.3d 412 if the evidence
27 is material then a motion for new trial should ,have been granted
28 if it determined either[36 Cal.3d 816)]

- 1) The evidence was not or could not have been discovered earlier by the defendants diligent efforts
- 2) If it was reasonably discovered, the failure to discover or present it was an oversight by defendant.

Therefore the Court should have considered the merits of [caselaw] because there was no doubt the prosecutor used false evidence, false testimony by witnesses that were less than reliable, therefor prejudicial to due process rights afforded under 5, 6, and 14 amendment U.S. Constitution . McQuiggins v Perkins, 569 US 383, 133 S.Ct 1924(2013); Carmona v Ryan, 2018 U.S. Dist. Lexis 49559 ("To invoke this exception to statute of limitations a petitioner must show that it is more than likely than not that no reasonable jurist would have convicted him in light of the new evidence") Id. at 1935(Quoting) Shulp v Delvo, 513 US 298(1995)' Schulster v Johnson 2016 US dist. LEXIS 18594(2016) In McQuiggins the Superior Court held that "actual innocence" if proved, serves as a gateway through which petitioner may pass whether it is an impediment is a procedural bar...or... expiration of the statute of limitations is limited. McQuiggins 135 S.Ct. 1928 " [A] petitioner does not meet the threshold requirement unless he persuades the Court that , in light of the newly discovered evidence, no juror, [acting reasonably] would have voted to find him guilty beyond reasonable doubt" id.(Quoting) Shulp v Delvo, 513 US 298(1995)

Motion to vacate judgment in [COMMON LAW] remedy used to ATTACH substantial error when time for new trial and appeal have passed and may be brought as writ of error coram nobis People v Griggs (1967) 67 Cal.2d 314; *People v Kraus (1975) 47 Cal.

568 (Extraordinary writ for discussion on grounds) The

1 A judgment of conviction that has been affirmed on appeal is a
2 conclusion of the matter unless set aside on grounds akin to or in the
3 nature of [EXTRINSIC FRAUD] or in some other lack of due process, or upon
4 proof that a fact existed which could ~~xxx~~ not in the exercise of due
5 diligence by defendant have been provided at trial, and which if known
6 then would have precluded the judgment from being entered People v Short (
7 1948) 32 Cal.2d 502, 197 p.2d 330.

8 The writ will be granted only if the respondent can show that
9 some fact existed which without any fault or negligence on his part,
10 was not presented to the Court at the time of the trial on the merits and
11 which if presented would have prevented judgment In Re Wesley (CAL
12 APP.2d Dist 1981) 125 Cal.app.3d 240; *People v Gilbert (CAL 1984)
13 25 cal.2d 422: see also People v Sandoval (CAL March 29, 1927) 200 CAL
14 730; People v Lucas 60 Cal.4th 153 (2014) It was previously noted that
15 "impeachment evidence other than felony convictions entail problems of
16 proof" unfair surprises and moral turpitude evaluate which the felon
17 conviction do not present "People v Wheeler (1922) 4 Cal.4th 284.

18
19
20 PETITIONER MOVES THIS COURT AS SUCH
21
22

23 A) THAT THIS COURT UTILIZE THE LAWS UNDER WRIT OF ERROR CORAM NOBIS
24 TO CORRECT THE EVIDENCES THAT WERE FRAUDULENTLY USED, HANDLED,
25 ALTERED, DAMAGED, AND OR MISREPRESENTED TO CORRECT THAT RECORD
26 "HERE AND NOW" AS PETITIONER ARGUES AND PROVIDED RECORDS TO AUTH-
27 ENTICATE, CORRECTING THE RECORD ABOUT FACTS AFFECTING STATE
28 PARTIES TO DISPUTE AUTHENTICITY OR BEST EVIDENCE USE.

CORAM NOBIS- 89

1 B) THAT THIS COURT UTILIZE THE LAWS SURROUNDING HABEAS CORPUS
2 AND NEWLY DISCOVERED EVIDENCES AS BROUGHT HERE OFFERING
3 THE STATE AN OPPRTRUNITY TO AUTHENTICATE AND OR DISPUTE
4 THEM AND THEIR VALUES REGARDING BEST EVIDNECE, WHILE ENFORCING
5 SUCH PROOFS NOW BEFORE THIS COURT IN THIS PETITION FOR
6 HABESAS/CORAM THAT VIOLATED THE FAIRNESS OF A HEARING WHERE
7 PETITIOENR WAS MADE TO SUFFER PERMANENT INJURY AS A RESULT
8 OF STATE INCOMPETANCE, MISCONDUCT VIOLATING FEDERALLY PROE
9 TECTE D RIGHTS AND DUE PROCESS GUARANTEES

10
11 GROUND ONE

12 THAT THE STATE PROESECUTOR AND SHERIFFS DEPARTMENT VIOLATED
13 DUE PROCESS RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS
14 WHEN THEY ALTERED ANSWERRS IN AN INTERROGATION RECORDING
15 THAT WAS TRANSCRIBED ON NOVEMBER 23, 2010 BY ROBERT ALEXAN-
16 DER THE STATES LEAD INVESTIGATOR APPPOINTED BY DDA JOHN THOE
17 MAS WITH THE INTENT TO PRESENT THESE ALTERED RECORDS TO
18 A PANEL OF JURISTS FOR CASE FVI900518 ~~EXHIBIT 7~~-FURTHER VIOLATING
19 DUE PROCESS RIGHTS UNDERHT E FOURTEENTH AMENDMENT UNITED
20 STATES CONSTITUTUION AND STATE LAWS-

21 Facts surrounding this misconduct

22 That as a result od CODIS matching petitioners DNA
23 to the scene that a crime had been committed DDA Thomas gave
24 detective Robert Alexander instructions to filed an affidavit
25 regarding an arrest warrant. (see exhibit 30) This was applied
26 for on March 4, 2009 and approved by the honorable judge
27 Nakata who ordered that John Henry yablonsky be arrested for
28 the murder of Rita Mabel Cobb as a result of the affidavit filed by ~~De~~
Alexander. (Alexander) On March 8, 2009 Alexander along with otehr offi
fromthe sanbernardino sheriffs department as well as police officers
from Longbeach and Signal hill arrived at the residence of petitioner.

CORAM NOBIS ~~90~~ 90

1 The three agencies arrived at 1700 E Silva st. Longbeach
2 ca, 90807 at 0900 hours to serve the arrest warrant as well as a
3 search warrant that had been procured on March 4, 2009. Officer arrived
4 stating that they were sheriffs and investigating a crime, asking
5 to speak to John Henry yablonsky. This interrogation was recorded
6 on personal recorders without petitioners permission. The interrogatio
7 occurred inside the kitchen area of the home where petitioners family
8 also resided. His daughters were in the living room, ~~sax~~ both under
9 age and another girl that was petitioners niece as well as petitioners
10 mother in law and his wife, who all sat in the living room while this
11 barrage of intruding questions were delivered by two officers that
12 identified themselves as homicide detectives Robert Alexander, and
13 Greg Myler, *WHILE OTHER AGENIES WERE OUTSIDE THE HOUSE*

14 The interrogations was without MIRANDA waiver by petitioner
15 nor were any rights read or given, while these detective asked personal
16 questions, specific questions and directly related questions regard-
17 information to a crime the detectives knew petitioner was a suspect
18 to while carrying a warrant for the arrest of John Henry Yablonsky
19 for the murder of Rita Mabel Cobb. Throughout this interrogation
20 petitioner was asked about his knowledge and information regarding
21 the murder of Mrs Cobb (COBB) while detectives asked about petitioners
22 sexual relationship with Cobb. Because of the nature and sensitivity
23 of those questions being asked in front of children and there was
24 no obligations to reveal these private answers ~~and~~ ^{WAS DECEPTIVE} petitioner
25 about his sexual relationship when asked. Detective also asked about
26 whether petitioner had keys to the Cobb home and petitioner stren-
27 uously denied having any such keys. Officer then asked whether
28 petitioner had given Cobb keys to his rental, and petitioner admitted

1 that she would have keys yto her own rental property. Officer again.
2 asked if petitiøenr may have had keys to the Cobb home and petitioner
3 again denied having any such keys. Throughout the interrogation
4 petitiøenr tried terminate the uncomfortable interrogatrion thatw
5 s being held in front of his family and children who were less than
6 fifteen feet wway listening to their father being asked about his
7 sexual relatiobnship with an older woman "while he was married"!.
8

9 After about an hoieur and fifteen minutes intothe interrogat-
10 ion petitioner ttried to move the interrogation outside away from
11 his family, making an excuse that he needed to smoke and went to
12 the driveway near the garage. Alexander follwed petritioner along
13 with Myler who turned left when Aleander and petitiøenr turned wight.
14 Alexander was told by petitiøenr that we should move the discussion
15 to a local cafe around the corner when Alexander stated that he'd
16 like to go someplace more womfoirtable. Alexander stated that the
17 cafe would nto be confrottable enough and stated that they had to
18 move the questionng to the police station, After an argument
19 about the location it would be Alexander stated that it will have
20 to be the Signal Hill police statioin, and that he'd drive me and
21 bring me back. Another argument about who drove whom where Alexander
22 agreed to allow petitioner to drive his own vehicle.

23 Petitiøenrs vehicle was follwed tothe Signal hill police
24 station about five miles away while being escorted by several police
25 cars(marked) and(unmarked) (Turns out that both Longbeach and Signal
26 hill pølice particiapetdd inthis escort. When petitiøenr got into
27 the station he was escorted into aa locked locatioin of the station
28 where an interview area was set up that had a cam corder onthe wall
(TURN ON)
facing the interrogation desk. Again the interrogation was conducted
without MIRANDA waiver or warning andf this 3was recorded by camcorder.

1 Repeatedly petitioner tried to leave the station and
2 was refused to leave, and when asking to call his wife was refused,
3 when he asked to call his attorney that too was refused. When petitioner
4 asked to go outside and smoke he was also refused. While all
5 these refusals were being given officers ~~has~~ stated that petitioner
6 was free to leave at any time, but when petitioner tried he was
7 refused. Petitioner after four hours of interrogation regarding his
8 involvement with the murder of Rita Cobb petitioner was then placed
9 under arrest and not allowed to leave as stated by police.

10 On November 23, 2010 the sheriff's department at the instruction
11 of Michael Ramos and John Thomas detective Robert Alexander created
12 two separate transcripts to this four hour interrogations;

13 (One 113 page version where all custodial markers were removed)
14 (This same 113 page version petitioner's answers were changed)
15 (one 136 page version that had custodial markers, but answers changed)
16 (Both versions are missing discussion about [custodial] at the house)

17

18 (CAPITAL LETTERS IS THE ALTERED VERSIONS IN THIS TRANSCRIPT)

19 (lower case letters are the actual in real time answers given)

20 (This transcript is for the 136 page version as well as the 113 page)

21 (The 113 page version was used in the trial as exhibit 49A)
(EXHIBIT 63 + 64)

22 (see exhibit 42, 41, 40) (PAGE 44 + 45) (OF STATE EXHIBIT 49A)

23 This is verified by state exhibit 49 (compact disc available upon
24 request)

25 (One hour seven minutes and fifteen ~~minutes~~^{SECONDS} into state 49)

26 (GM=Greg Myler)(EA= Robert Alexander)(JY=John Henry Yablonsky)

27 GM-6k, did you guys also have a key to Rita's house ?

28 GM- No

1 (One hour seven minutes and ~~thirty~~^{FIFTEEN} seconds into exhibit 49)

2 GM- OK, DID YOU GUYS HAVE A KEY TO RITAS HOUSE ?

3 JY-UM, YEA

4 (THEY ALTERED PETITIONERS ANSWERS PLACING EVIDNECE INTO POSSESSION)

5 ~~XXXXXXXXXX~~

6 (One hour seven minutes and ~~thirty~~^{twenty five} seconds into exhibit 49)

7 RA
7 ~~RA~~-Did, did she have a key to your apartment ?

8 JY- Yes she did

9 (One hour seven minutes and twenty five seconds into exhibit 49)

10 RA- DID SHE HAVE A KEY TO YOUR APARTMENT ?

11 JY-NO

12 (They altered this to establish there was no freindly exchanges)

13

14 (One hour seven minutes and thirty two seconds into exhibit 49)

15 RA- Did she have a pass key to your apartment ?

16 JY- Yes, she did.

17 (One hour seven minutes ~~into exhibit~~^{and thirty two seconds into exhibit 49})

18

18 RA- DID SHE HAVE A PASS KEY TO YOUR APARTMENT ?

19

20 JY- NO.

21 (They altered this answer to verify there was no friendly key exchange)

22

23 This next altreration involves the removal completely
24 fraom all versions of the transcript as well as erasing the audio
25 fromthe personal recorders they used to record this transaction.
26 This occured at one hour fifteen minutes into the interrogations
27 and can be verified throught states exhibit FVI900518 exhibit 49
28 which is available upon request of the Court will not allow filing

CORAM NOBIS 94

1 At this point into the interrogation petitioner had moved
2 the conversation outside under the guise of smoking. To offer a non
3 custodial location to continue the discussion. This was transcribed
4 into states exhibit 49A.(see exhibit40)

(one hour fourteen minutes and forty three seconds into exhibit 49)
5 RA-You wanna after you discuss this a little more in detail with
6 him I wanna ask him some more questions. I'd like to go to um,
7 (the other location) to speak. I think some things we're gonna talk about
8 are gonna be a little bit[private]embarrassing and I just wanna make sure that
9 we're ina [comfortable location] um, kinda away from your wife

10 JY well there is a cafe around the corner called Spires and has enough seating
11 for everyone.

12 RA- ~~well~~ it's gonna have to be a little bit more comfortable than
13 that .

14 JY- What did you have in mind ?

15 RA- How about the police station, would that work ?

16 JY- That would be more comfortable for whom?

17 RA- Well we're going to have to take this to the Signal hill police
18 station, and we'll give you a ride there, and bring youn back

19 JY- If I have to go then i'll need to drive my own vehicle so I can
20 make some calls along the way

21

22 (This was altered by conjoining serveral conversations between Myler
23 and petitioner as follows)

24

25

26 RA- YOU WANNA AFTER YOU DISCUSS THIS A LITTLE MORE IN DETAIL WITH
27 HIM I WANNA ASK HIM SOME MORE QUESTUION. I'D LIKE TO GO DOWN TO
28 UM, THE OTHER LOCATION TO SPEAK.

29

30

(THIS CONVERSATION WAS WITH MYLER AND NOT PETITIONER)
WHO WAS IN ANOTHER SUCCOG EAR SHOT LOCATION

1 (Second half of this statement was with petitioner in another location)

2 I THINK SOME THINGS WE'RE GONNA TALK ABOUT ARE GONNA BE A LITTLE
3 BIT PRIVATE, EMBARRASSING AND I JUST WANNA MAKE SURE THAT WE'RE
4 IN A COMFORTABLE LOCATION UM, KINDS AWAY FROM YOUR WIFE.
5 DO YOU MIND GOING WITH US ?
6

7 This is verified through several manners . First this
8 "recording" can be authenticated at this very location in real time
9 to verify that there was no sound differences in RA statement that
10 would lead one to believe a conversation outside near a highway
11 that would imply damage to the recording or tampering. Second, the
12 conversation occurred outside while Myler went to the front yard where
13 the other officers were located, while Alexander followed me into
14 the back yard. (different locations) Third is that in this specific
15 splice a two minute discussion ensued about where it would occur
16 and who was going to drive what vehicle with whom in the back seat.

17 Any expert witnesses regarding audio equipment, would have
18 been able to detect these anomalies in the "alleged copy" states
19 exhibit 49 (compact disc)., or would have known the order the release
20 and access to the actual original recording devices for "real time"
21 authentications about a) tampering b) equipment failure c) audio
22 distinctions that would lead any expert to believe the original
23 recording equipment had been altered, tampered with, or that state
24 parties did in fact deliberately change answers by petitioner.

25 These records were altered for the sole purpose of presenting
26 to a hearing where a panel of jurists would be coerced into decisions
27 regarding the guilt phase of the trial. While the custodial marking
28

1 would have validated the jurors question about MIRANDA because the
2 custodial argument would have supported that petitioner should have
3 been mirandized. (One question by the jurors from the court)
4 The jurors were not allowed to determine whether petitioner had malice
5 or premeditated intentions because their decisions were coerced by
6 the records now saying that petitioner now had a key to the victims
7 home, ^{and} ~~but~~ that he did not have a friendly relationship with Cobb
8 where an exchange of key in case of emergencies could be reasonably
9 concluded. What the jurors heard, was that there was no friendship,
10 and that petitioner for some reason retained a key to Rita's house
11 months after he had moved out. (One of the elements to the charge
12 was supported by this manufacturing)

13 DDA Ferguson admitted that petitioner had a key to the house
14 because it was in the trial records. In fact DDA Ferguson admitted
15 that petitioners filing of the 113 page transcript along with other
16 papers was insufficient when a habeas petition was filed admitting
17 that it was in fact admitted into states exhibits as 49A and the
18 jurors used this in their reasoning. The attorney general parroted
19 this exact same argument in their defense, stating that conclusory
20 allegations without more is insufficient. In fact the US District
21 magistrate admitted that the case teetered on the contents of this
22 "transcript" in their reasoning that reach a verdict of guilt.

23

24 A) Altering these records violated petitioner due process rights to
25 a fair trial under the fifth amendment of the US constitution

26 B) Altering these records violated petitioners due process right
27 of the sixth amendment of the US constitution to an impartial
jury and petitioners right to confront witnesses against him

28 C) Altering this records violated due process rights under the
XIV amendment due process right of laws P.C. 134 + P.C. 135 + P.C. 141

1 Points and authorities FOR GROUNDS ONE, TWO , THREE, FOUR AND FIVE

2 In order to prevail on a misconduct claim premised on
3 the alleged presentation of false evidence, petitioner must establish
4 that his conviction was obtained by the use of false evidence,
5 petitioner must establish that his conviction that the conviction
6 was obtained by the use of false testimony that the prosecutor
7 knew at the time to be false, or later discovered to be false and
8 allowed to go uncorrected. Napue v Illinois , 360 US 264; Carothers
9 v Rhay 594 f2s 225 (9th cir 1979); Pavao v Cardwell, 583 f2d 1075
10 (9th cir 1979)(per curiam)(Noting that petitioner was to allege
11 facts showing that there was a knowing use of perjured testimony
12 by the prosecution) Due process against the admission of false
13 evidence, whether it be by document, testimony , or any other
14 form of admissible evidence) Hayes v Brown 339 f3d 972(9th cir 2005)
15 (en banc) Where false evidence is presented to the jury, the con-
16 viction will be reversed where;(1)"[T]he prosecution knowingly
17 presented to the jury false evidence or testimony at trial; "and
18 (2)" it was material that is, there is a reasonably likelihood
19 that the false evidence or testimony could have affected the jud-
20 gment of the jury. Morris v Ylst 447 f3d 735(9th cir 2006); Jackson
21 v Brown 513 f3d 1057(9th cir 2008) Mere inconsistencies in testimony
22 are insufficient to establish that the testimony was perjured.
23 United States v Croft 124 f3d 1109(9th cir 1997); United States v
24 Zuno-Acre 44 f3d 1420(9th cir 1997. California Evidence Code §1401
25 (b) Authentication of a writing is required before a secondary
26 evidence of its content may be received into evidence. Spottiswood
27 v Weir 80 CAL, 22 pac 289(1889); Smith v Brennan 13, CAL. 107(1859)
28 Forman v Goldberg 42 Cal.App.2d 308(1941)

1 under § 1401, therefore if a person offered into evidence a copy
2 of a writing, he must make sufficient showing (preliminary) of
3 the authentication of [both] the copy and the original (emphasis)
4 (i.e. the writing sought to be proved a copy) While this case
5 these testimonies, altered evidences, supporting any writing
6 known to be false, testimony known to be false is irrelevant because
7 the prosecutor has a duty to know about the evidences he is going
8 to present in the first instance. People v Gallegos (Cal. 1971) 93 Cal.
9 Rptr 229; Boykin v Alabama (1969) 1 Cal.3d 122, 81 cal.rptr.577,
10 460 p.2d 449 In this stipulation to police reports by trial attorney
11 to the Court was prejudicial error. In Gallegos the plea of guilt
12 was consistent to the stipulation by counsel for transcripts
13 making the plea involuntary and unintelligible because the stipulation
14 was prejudicial. People v Fonnville 111 cal.rptr. 53 (cal.app.5th
15 dist 1973).

16 California rules of professional conduct rule 5-220 a
17 member shall not suppress any evidence that a member has an obligation
18 to produce or reveal. Brady v Maryland (1963) 377 US 83; Giglio v
19 United States (1991) 502 US 1030; United States v Agurs 427 US 79
20 (1984); California v Trombetta, 467 US 479 (1984) Under the fourteenth
21 amendment due process claims in criminal prosecutions must comply
22 with prevailing notions of fairness that if fundamentally respected
23 will prevent such miscarriages of justice safeguarding a right
24 to what the courts may loosely consider CONSTITUTIONALLY GUARANTEED
25 ACCESS TO EVIDENCE (emphasis added) United States v Valenzuela-
26 Bernal 458 US 858, 458 US 867 (1982). While defendant's claims could
27 be considered directly caused by trial counsel incompetence
28 People v Pope (CAL 1979) 152 cal rptr 732, 23 Cal.3d 412.

1 CA. Ev Code § 1280 Evidence of a writing or record of
2 an act, condition, or event is not made inadmissible by hearsay
3 rules when offered into evidence to prove a thing, act, or content
4 or condition even if the following applies ;

5 a)The writing was made by and within the scope of duty

6 b)The writing was made near the time of the act, condition,
or event.

7 c)The source of information and method and time were such
8 as to indicate trustworthiness

9 P.C. § 134 To constitute the offense of procuring a false affidavit,
10 records, writing, recording or papers to be used as evidence does
11 require specific intent. People v Horowitz(CAL APP 1945) 70 Cal.
12 app. 2d 675 and can turn up on what the evidence was offered to
13 prove People v Bamberg(CAL APP 1st dist 2009)175 Cal.app.4th 618.

14 The preparations of documents are within the meaning of section
15 134 does not require the document was created by a specific person
16 People v Bhasin(CAL APP.4th dist 2009) 176 Cal.app.4th 461. Altered
17 and or fabricated documents where the result would have been
18 different without the altered or fabricated statements, records,
19 writing, papers would have reasonably been different by a reasonable

20 jurist People v Blaydon 154 Cal.App.2d (1957). Preparing false
21 and antedated papers for fraudulent purposes with the intent
22 to produce it or allow it to be produced as genuine into trial,
23 proceeding was sufficient showing People v Clark(1977) 72 Cal.app.3d

24 80. Under section 132 false evidence and or fabricated or altered
25 records should have known that it was forged and or false was sufficient
26 People v Horowitz 70 Cal.app.2d 675(1945) And is broad enough

27 to include any interference with the production of true evidence
28 People v McAllister 99 Cal.app. 37 (1929)

1 The professional crime for offering false evidence involves
2 moral turpitude. In Re Jones 5 Cal. 3d 390(1971); People v Pereria
3 207 Cal.App.3d 1057(1989) Where prosecutions ~~M~~istatements of facts
4 were it was clear the mistatement were in bad faith in an effort
5 to influence a jury People v Searcey(CAL1898)121 CAL 1 and could
6 not be cured by abnonmission or instruction, where evidence though
7 sufficient or insufficient does not erringly point to the defendants
8 guilt, such misconduct which may be turned the scales against a
9 defendant in a closely balanced case resulted in a miscarriage of
10 justice People v Kirkes(CAL1952) 39 Cal.2d 719(citation)(citation)

11 The term of misconduct when applied to an act by an
12 attorney implies dishonesty, an act or attempt to persuade Court
13 by use of deceptive methods People v Baker(CAL app.2d dist 1962)
14 207 Cal app.2d 717

15 California Evidence Code § 1235 The admission of earlier
16 statements made by witnesses presently on the stand is not constitution
17 limited to impeachment § 1235 People v Woodberry(1970 CAL.APP.2d
18 duist) 10 Cal.app.3d 695 and does not violate confrontation clauses
19 of the sixth amendment People v Green 91971)3 Cal.3d 981, cer den,
20 Green v California(1971) 404 US 801 and the right to confront
21 has been preserved People v Strickland(1974)11 Cal.3d 946. Its applic-
22 ation is designed to fullfill that opening of the door to a second
23 opinion of the facts that are inconsistantly relied People v Freeman
24 (1971) 20 Cal.app.3d 488; People v Aeschmann (19762) 28 Cal.app.3d
25 460 and are admissible if they are consistant with testimony.
26 People v Morgan (1978) 87 Cal.app.3d 59; People v Kane (1984)150
27 Cal.app.3d 523; § 1235 also provides the effect that prior inconsistant
28 statements of witnesses is admissible not only to impeach their

1 requirement for impeachment testimony was not necessary, where it was
2 impossible to comply with at due "to no fault of the party using the
3 impeaching materials" and that justice and fairness compelled either
4 that the testimony at the former trial be excluded or that the impeach-
5 ing evidence be admitted.

6 The ninth circuit agrees with this analysis under Salcedo
7 v Hedgpeth 2013 US district LEXIS 133001 (July 30, 2013)

8
9 Analysis of the ground one merits

10 First these facts that had been illegally collected were
11 protected from intrusion by government bodies under the fourth amend~~ment~~
12 dment, which was mandatory according to (exhibit 30) The warrant
13 for the ar~~rests~~ filed and ordered on March 4, 2009. Furthermore the
14 search warrant that was also ordered by Judge Nakata did not include
15 intrusions into petitioners personal knowledge, and without MIRANDA
16 Miranda v Arizona 384 US 436(1935) This act is further protected
17 by the fourteenth amendment due process of law which is outlined
18 by the requirement to read [suspectys] their rights before question-
19 ing. It was the responsibility of the prosecutor to protect these
20 evidences, to comply to all state laws requiring copying of recordings
21 which includes the transcripts created from such recordings.

22 These recordings were never authenticated at all by any
23 parties in the interests of petitioner to comply to Ev.Code § 1401

24 section 14091 requires that a writing be authenticated even
25 when it is not offered as evidence but is sought to be
26 proved by a copy or by testimony as to its content
27 under circumstance permitted.

28 Evidence code § 1402 the party producing a writing as genu-
ine which has been altered must account for the alteration or appearance

1 thereof. He may show that the alteration was made a by another, without
2 his concuurrance, or was made without the consent of the parties
3 affected by it or otherwise innocently made, or that the lateration
4 did not change the meaning or language of the instrument.

5 In this case the prosecutor knew that petitiioens DNA
6 was older than the crime by more than n one full day to as many as
7 several days before the crime had been committed, making it difficult
8 if not impossible to, place him at the scene at the time of the crime,
9 unless petitioner had some interests inthe crime. For first degree
10 murder to stand there must be several elements satisfied, and without
11 them first degree charges could not stand. Placing an item that
12 was crafted to fit only "one door" inthe entuire desert area (a key)
13 that fit Rita Cobbs door, was enough to suggest that a person who
14 had no busuiness entering the home without permissioin , who not only
15 had a key but had had the key for months after he and his wife moved
16 out, would have ~~o~~ propincity to comit a crime with that key. INFERRED
17 (Hence robbery, nurder) It was because the jurors had asked about
18 MIRANDA, and who heard that there~~s~~ was no custodial markers that
19 would induicate a reasonable persoin felt they could not leave, and
20 that this person had a key top the home where a person was killed
21 that he was suspect to, was sufficient inthis case.

22 The answers thatbwere changed were not similar answering
23 in sound, and because this occured at three very specific locations
24 does imply intent to coerse a different [view] about the fsacts
25 regarding Yablonskys relationship to Cobb that [~~DID~~] LEAD a reasonable
26 jurist to believe that petitioner had committred a crime with the
27 key he held after he had moved out. In this case these answers were
28 volatle and contaminating to a matter that was close at one time

1 where the jurors were hopelessly deadlocked at one point, that a
2 different version that was real time transcribed would have given the
3 jurors a different perspective. It is irrelevant that these alterations
4 were made to get revenge for the lawsuit filed by petitioner against
5 Mr. Michael Ramos, even though that is more likely the answer, but
6 (see exhibit 35) the answers were known, and deliberately created. Why else create
7 two different versions on the exact same day about the exact same set
8 of circumstances and facts.??? To manipulate a different outcome.

9 BAIT AND SWITCH(SEE GROUND TWO HERE)

10 AS A RESULT OF THE MISCONDUCT BY ALEXANDER AND THOMAS
11 DUE PROCESS RIGHTS WERE VIOLATED TO A POINT THAT AN ADMONITION
12 OR INSTRUCTION COULD NOT CURE THE ELEPHANT IN THE ROOM!!

13 Regarding the alterations of the interrogation transcript
14 habeas corpus should issue, allowing petitioner to correct the
15 records about [facts] under the law in this petition, and vacate
16 the conviction based on the due process rights that were violated
17 by the prosecutor who knowingly manufactured evidence he intended
18 on using to coerce a verdict where there was no other evidence pointing
19 towards culpability other than this false, fake evidence. That they
20 not only created but placed into the states records [forever]!!
21 as states exhibits to case FVI900518 as exhibit 49 (compact disc
22 copy) and 49A (113 page transcript)

23 (see exhibits 40, 41, 42,)

24 THIS GROUND WARRANTS HABEAS BE GRANTED UNDER P.C. § 1473
25
26
27
28

GROUND TWO

1
2 THAT THE STATE TEAM DDA THOMAS AND DETECTIVE ~~ALEXANDER~~
3 FROM THE SHERIFF DEPARTMENT VIOLATED PROTECTED RIGHTS
4 UNDER THE FIFTH AND SIXTH AMENDMENT WHEN THEY ALTERED
5 ANSWERS ON JANUARY 26, 2011 THAT INCLUDED AUDIO ANSWERS
6 THAT MATCHED THE TEXT ANSWERS THAT HAD BEEN ALTERED
7 ON NOVEMBER 23, 2010 FOR THE PURPOSE OF COERSING A
8 VERDICT FOR CASE FVI900518 FURTHER VIOLATING FOURTEENTH
9 AMENDMENTS UNITED STATES CONSTITUTION AND OTHER LAWS.
10 VIOLATING PETITIONERS RIGHT TO A FAIR TRIAL UNDER
11 THE FIFTH AMENDMENT, ~~VIOLATING~~ DUE PROCESS OF LAW. VIOLATING
12 PETITIONERS SIXTH AMENDMENT RIGHT TO AN IMPARTIAL
13 PANEL OF JURISTS, AND PETITIONERS RIGHT TO CONFRONT
14 WITNESSES COMPEEED AGAINST HIM. FURTHER VIOLATING
15 PETITIONER FOURTEENTH AMENDMENT TO DUE PROCESS OF
16 LAW ALSO PETITIONER RIGHT TO BE FREE FROM SELF COMPULSORY
17 WITNESS AGAINST HIMSELF DUE PROCESS VIOLATIONS

18 Facts surropuinding this ground

19 That as a result of the claims in ground one filed here
20 are now incorporated by reference herein. Fuyrther that now the
21 state parties known as the prosecutor DDA Thomas(Thomas) and detec-
22 tive Robert Alexander (Alexander) had a transcript set, one 113
23 page version , and one 136 page version chose the more intrusive
24 one to present to the jurists after they took these material home
25 on January 26, 2011 after the trial had already begun, and drew
26 near closing of ~~the~~ hearing. Where state experts had already cleared
27 petitioners DNA from the time the crime had been committed by more
28 than one full day. (see exhibit 51) Then as many as several days
before the crime had occured. (emphasis added) That Thomas chose
to argue that he needed to take this "transcript " home so that
he could wash all the things that needed to be taken out from the
recordings, and that he did not trust anyone else to do this.
(see exhibit 41)

(Thomas) Then my last witness which will have to be on
the stand Thursday is detective Robert Alexander. I need to wait
for Mr Sanders to take out the redactions that he has in the recording

1 because that was what I was going to play on Thursday and at that
2 point the people will rest. (RT 402) Then I need to make the redaction.
3 Sanders at this point stated that he could do that to night. (This
4 was wednesday January 26, 2011 during chambers discussions)(RT403)
5 (T-Thomas)(S-Sanders)(C-Court)

6 T- Then I can get it done tomorrow, ill do that when I get home
7 tomorrow night.

8 C- All right, do you have jury instructions ?

9 T- Illl have those for you by Thursday.

10 C-Do you know that I like them ?

11 T-I have no idea. Last time I did a trial in here--

12 C- How about Wednesday ? (RT403)

13 S-S- Thank you your honor. I had indicated to the prosecutor the
14 parts of the statement that I felt should be redacted.

15 C- Lets talk about ~~this~~ a little information before we make assump-
16 tions.

17 S- I believe we agree

18 C- The statement that is going to be offered by the prosecution,
19 and its a statements alleged to be a statement by your client,
20 is that correct ?

21 S- Yes your honor.

22 C- Alright you are not going to object to entry of the statements,
23 but you believe there should be some things that were stated
24 by your client that should be removed from the statement, is that
25 correct ?

26 S- Mostly statements by the police officers, but some statements
27 by my client.

28 C- Mr Thomas has not disagreed with you and attempted to provide
you with specifics of [how] he [intends] to redact the statement
of your client, so that is not objectionable to you ? is that
correct ?

1 S- Thats correct
2 C- Mr Thomas you've seen that, and do you have any reason to
3 disagree with the -- (here these statements were redacted from
4 T- No , as far as -- transcripts to cover misconduct
5 C-Statments that Sanders --
6 T- As far as Sanders, he provided, I dont have any problems with
7 the redactions of the [stuff]. The only question I did have
8 for Mr sanders is theres reference at the end of the interview
9 where Mr.Yablonsky invoking. [I was planning on taking that
10 out] unless you wanted to keep it in.
11 S-I did this very late last night, and I did forget when he invokeld
12 MIRANDA to take that out.
13 C- Othetr than thaty, sounds like we're in conjunction on what
14 should be [done]. No disagreements between the two of you ?
15 S-I believe so.
16 C- Alright, that cant be done until tomorrow
17 T- I wouldnt be able to do it until tonight. Im going to star
18 this afternoon once we're done.
19 C- hopw much is it ?
20 S-Its aboiut a three hour interview. Im requesting a redaction
21 of about ten minutes but in different parts of the interview.
22 T- So I got to go through everything and find out where I got
23 to cut the interview and make sure it "sounds good "
24 C- Cant be done between 11:05 and noon ?
25 (remember sanders only wanted ten minutes to be missing...allegedly)
26 (see exhibit 43) On January 27, 2011 at 0916 hours detective
27 Alexander got onto the stand and swore tothe authenticity of the
28 interrogations transcripts that allegedly had been transcribed on
November 23, 2010, wqhreee Thomas admitited tothe Court that he on
January 26, 2011 had to further redact ten minutes froma four huuir
interrogation. Detective alexander unde oather swore that the transco
ipt the jury was about to hear was the exact transcript fro originals.

1 On January 26 , 2011 sanders had told the Court that he
2 needed to take them home that night so he could redact statement
3 he felt was damning to his client, only he had already made some
4 type of arrangement with Thomas to redact invocation of MIRANDA
5 and other alleged mistatements involving, petitionr du rug use history
6 and criminal background.....allegedly. But if he had actually
7 listend tothe interrogation as he suggested then he wouyld have heard
8 that petitionr had stated that he did not have any keys tothe rita
9 Cobb home. Futher, he only wanted a ten minute window from diffeeretn
10 locations inthe interrogation to be removed. Only this recording
11 was from trhee seperate recording devicces that included one cam
12 corder cassette that lasted three hours and firty eight minutes.

13 Sanders stated (RT454;3-7) Thta he had already made these
14 redactions after telling the Court he needed to do it that niught.
15 The Court gave Sanders an op;ertuinity to protect petitionrs rights
16 regardng the invocationwhich would have strikent this entire recording
17 fromthe record for breach of rights under the fourth amendment, but
18 this imbusil had already cut a deal with the prosecutor,who now
19 had to take this evidnece home and make it "SOUND GOOD". (RT455:24)

20 After alleging to ~~authenticate~~ authenticating the recoird-
21 ing that was created on march 8, 2009 and alterrd on November
22 23, 2010 the state pedsented tothe jury a two hour and fifty
23 five minute version of the states interrogation. Placing this into
24 the states records under exhibit 49-CD interview with defendant
49A- transcript of 49 exhibit

(see exhibit43)

25
26
27 The prosecutor then played a version that wass two hours
28 and fifty five minutes tothe jury ona ~~text~~ text version that played

1 on a screen that stood over the jury box. This was accompanied by
2 an audio sound that was also played to the jurors who were allowed
3 to read along with the text and audio. This version was verbatim
4 to the altered sounds where petitioners answers were changed placing
5 evidence into his possession. Also petitioner's wife that was right
6 there when the interrogation occurred was also washed from this version.

7 As well the statements made by petitioner and detective
8 knowing that petitioner owned a dark blue pinto were also washed
9 from this version. This is verified by (exhibit 28) where a witness
10 seen a silver pinto at the Cobb residence. This exhibit shows that
11 Diuanne Flagg had stated in 1985 that she seen the [XXXXX silver]
12 pinto at the Cobb residence the night she had been killed. Only
13 the version of the interrogations shown to the jury washed this
14 fact out. Further state placed this alleged transcript into states
15 records as exhibit 49A only the version they placed was the November
16 23, 2010 version, neglecting to place the January 26, 2011 version from
17 ever being seen. (see exhibit 40) Notice the recorded's information
18 at the lower right of the page (49A) entered on January 27, 2011)

19 What the jurors seen in text on the screen were the markers
20 that this transcript had been done on (November 23, 2010) which
21 had just been verified by Alexander (reviewed by Det Rob Alexander)
22 (#A1672) Why wouldnt they believe a detective who just swore to
23 its authenticity under oath.

24 This information placed before the jurors violated
25 so many rights, where do I begin. First I begged the attorney after
26 seeing that they had altered my answers to review this, telling
27 him that I had not been properly MIRANDIZED. (see exhibit 3) I
28 told him this on June 2009.

1 Had Sanders done a preliminary listening he would have
2 heard that ~~nevertheless~~ his client had tried at least three times to
3 terminate the interrogation. ^A This verifies that he never listened
4 to the evidence. Or he assisted the prosecutor. In either event
5 petitioner's rights under the fourth amendment were abolished without
6 his consent, which he had already tried to invoke that right in
7 2009, and was refused. Also ignoring that his client's answers changed.

8 Second, after invoking this protected right, this team
9 then allegedly agreed to wash it from what they were going to show
10 a panel of jurists who were watching and listening. They asked about
11 Miranda right after they heard this version. This was then argued
12 by the Court and prosecuting team that included Sanders. Thomas boasted
13 that he encountered this situation before and even though those
14 rights were violated suggested that they could draw up something
15 that would stipulate petitioner had been ready to waive his rights (RT532)
16 only they knew that petitioner would have never waived this right.
17 Next where the Court tried to give them a chance to correct this
18 the Court tried to plead with the counsels to draw something up,
19 but neither of the parties wished to get involved with this ~~snort~~
20 conundrum of a pickle where not only were the rights invoked, but
21 the prosecutor had also washed the recording for the direct non
22 custodial request that was denied and petitioner was forced to the
23 local police station while being escorted by more than one agency.
(RT454;19-25)(RT 532:

24 Because petitioner was not intelligibly informed about
25 this access to a protected right before they abolished it from the
26 records, they then presented to the jury a piece of evidence that
27 was fake, forbidding petitioner an opportunity to challenge this
28 through right to confront, while placing this into the records against

1 the protected right to be free from compulsory witness against himself
2 where [information] may cause injury upon petitioner against his
3 interests. Only this is exactly what they did by placing a piece
4 of evidence that had been altered to the point it was destroyed, and
5 virtually unusable. ~~XX~~

6 Because petitioner had heard this and tried to get the
7 attorney to at least let him testify, counsel said he'd prepare
8 that later on in the trial. Leaving petitioner to believe that there
9 was in fact a defense strategy about presenting evidence. (see exhibit
10 44)

11 The prosecutor then stated that as far as the transcript,
12 that neither of the parties have a problem with the jury getting
13 it as an aid to exhibit 49 itself. (RT533) The Court again stated
14 that he wanted them to write something up regarding the MIRANDA
15 issue. (RT533:17-19) while neither party wanted anything to do with
16 this dragon of error. Both counsels asked the Court to give an
17 instruction according to what the Court had said previously, then
18 injected "Something to the effect of I'll instruct the jury that
19 they will disregard that issue" (RT533:25-27) Adding [or] do you
20 want us to write something up? (RT534:2-4) (see exhibit 41)
21 Thomas added (RT534:5-12) "In the past, I used to do the drug cases,
22 and as an issue that would come up would be whether or not the defendant
23 vehicle or a person's house was searched in accordance to the laws.
24 The special instruction that would be given usually in "that case]
25 "] would be something to the effect that, its- this is a matter
26 for the Court to decide, and the Court has decided it was a lawful;
27 search". This type of statements suggest that Thomas did not respect
28 any laws protecting defendants, and the Court agreed here. (RT534)

1 So, with regarding the transcript shown to the jury
2 who listened to the fake evidence that showed it was transcribed
3 on 11/23/10 when it was in fact altered on 1/26/11. They did not
4 get this information. Further Thomas then had to take this evidence
5 home with him, down load the recordings from the [copy] of the int-
6 errogations and dubb sound in from another locations to a newly
7 transcribed answer, then make another copy of the transcript
8 while placing onto the [text] version of this [transcript, showing
9 it was not transcribed on 1/26/11 in an effort to prevent the jurors
10 who were watching and listening from knowing that it was done
11 at the last minute. 1/26/11

12 Next Thomas then placed his expert witness detective
13 alexander onto the stand to swear it was an exact copy of the record-
14 ings that were created on 3/8/09, when it was anything else but
15 that. Falsifying the records they knew would cause a verdict
16 in this matter. In fact this decision was not made until after
17 the states entire case where;

18 a) Kramer admitted to finding his mother after being alarmed she
19 was in danger, and that he ignored instruction about entering
the residence until after investigations

20 b) Nash who stated that his last knowledge of Cobb was that she
21 arrive at a party on September 20, 1985 drinking a bottle of
22 liquor and drank more after that had been finished. That when
he offered to drive her home, she told him she was not going
home and would be going to a bar instead. (See exhibit 13)

23 c) Dianne flagg had seen a silver silver Pinto at the residence the
24 day of the murder, and that she was a car enthusiast and would
25 know the make because her neighbor had one, and that she was
certain of the silver color (see exhibit 28)

26 ~~25~~ d) That Sullivan testified that he remembers better after 25 years
27 than he did three days after the murder and that he now knows
28 he was not asleep when Nash left the party (contradicting
nash testimony), and that he seen Cobb at the party on 9/20/85
and that they drank white lightning together, and then seen
Cobb being given a ride home by Nash (also contradictory to
Nash testimony) (SEE EXHIBIT 14)

1 e) That Criminalist Jones testified that he had not matched petitioners
2 DNA to the murder weapon, watchband pin, or the red hair located
3 at the scene on the body. In fact Jones stated that the DNA
4 matching petitioner that was located inside Cobb was the result
5 of an encounter that occurred several days before she had been
6 killed and that he was certain of that. (see exhibit 51)
7 (RT 317)

8 f) The Dr. pathologist Saukel who stated there was no evidence
9 that Cobb had been murdered. Physiological or scientific. (RT 491)
10 and that the DNA matching petitioner that was located from inside
11 the cavity of Cobb as the result of an encounter that occurred as
12 much as one and a half days before she had been killed. (RT 490)
13 (see exhibit 51)

14 g) That the detective Alexander gave testimony that there was
15 no fingerprint report from this crime scene, and if there
16 was that he does not recall whether it had been developed or not,
17 opining that he knew petitioners prints were not located at
18 the scene (see exhibit 29)

19 h) That detective McCoy admitted that the evidences had been cross
20 contaminated, because they were placed into the same bags
21 when they collected these evidences



22 This decision to finally place the manufactured evidences
23 into the possession of the defendants case, was a last hail mary
24 to get this skellitin to stick on a person they knew to be innocent.
25 Which explains their need to purge the entire panel with prejudicial
26 material before the trial ever started telling them that they
27 had failed 19 murder charges against a defendant who was being tried
28 later that year, and that Ramos promised closure in that case.

29 (see exhibit 33) Further more these defendants chose to admit
30 these allegations in the civil arenas while petitioner charged
31 them with gross negligence, professional negligence, and other
32 misconducts regarding the conspiracy to manufacture evidences.
33 These parties (David Sanders) (John Thomas) (Robert Alexander)
34 admitted as much and failed to even dispute the charges in Court

35 CLAIMING immunity under HECK and AEDPA while they suggest they

1 that they are immune so long as these acts stand and the conviction
2 is uncorrected, boasting that they owe no professional quality as
3 long as their acts reach a verdict, irregatrdrless of the gravity
4 of misconduct that was committed or acts that they did caused injury
5 to petitioner because they are government bodies. This can be verif-
6 ied through case numbers #CIVDS 1506664 (superior court) and
7 #EO68775 (Court of appeals) Briefing by county counsel for John
8 Thomas, Robert Alexander, Greg Myler, Michael Ramos, Mark Shoup,
9 Geoffery Canty who all tio some degree participated in a conspiracy
10 to alter and fabricate evidcneces that they knew were false and
11 would cause injury.....or hoide these proofs until after the
12 direct appeal had been exhausted. Sealing these facts behind AEDPA.
13 (see exhibit 61) The appellate Courts findings about the allegations
14 made by petitioner under civil rights. Although the court minimallized
15 the claims veracity it acknowledged them without dispute for valid-
16 ity.

17 Furhter because petitiioenr could not file the malliable
18 com½pact disc in the Court, stating they will not aaccept compact
19 discs, the Suoperior Court prevented a rercord from being developed
20 that would have supported the verification that the transcripts
21 were in fact altered comparing exhibit 49 (compact disc) to exhibit
22 49A the states exhibit of 113 pages that was used in the trial where
23 petitioners answers were in fact changed.

24
25 Prints and authorities as stated above are hereby now incorporated

26 In the Court People v William, 1 Cal.5th 1166(2016) discussed
27 how and why due process applies to mistatements. "There are some
28 residual effects to due process exceptions to hearsay rules, which

1 require some [reliability] and upon reflections it seems that.....
2 we all get caught up the [right] to cross examine under the right
3 to confront, and the timing about [cross], it is that period of
4 time in which lawyers get the chance to destroy another[s] witness
5 through impeachments. But it also is the time when reliability
6 of the evidence is demonstrated....." People v Lucas 60, Cal.4th
7 153(2014) The Court added that although evidence could have discount-
8 ed credibility issues, that unless the record is vacant for absence
9 of evidence supporting the jury's conclusion, credibility issue
10 may have no effect on their view of the case. People v Butler, 212
11 Cal.app.4th 404(2012):(arguing) People v Avila 46 Cal.4th 580(2009)
12 ("under well established principles of due process the prosecutor
13 cannot present evidence he knows to be false and must correct
14 [any] falsity of which it is aware in the evidence it presents, even
15 if the false evidence was not intentionally submitted")(AVILA):
16 See United States v Agurs, 427 US 97(1976); In Re Richards 63 Cal.4th
17 291(2016)(That is reasonably probable that the false evidence affected
18 the outcome because with exceptions of the bite mark evidence
19 the defense had a substantial responsibility to much of the prosecution
20 evidence was so weak (transparent) for culpability that carried
21 any weights

22 23 ANALYSIS OF THE FACTS

24 It is because there was literally no evidence placing petiti-
25 tioner at the scene other than the DNA collected from inside the
26 victim's that had been verified that it had been placed there from
27 one and a half days before the murder occurred(RT49) to as many as
28 [several] days before the crime occurred(RT317) that there was

1 [NOTHING] in the states entire case that placed petitioner in that
2 house, much less placed there when the crime was committed. Further
3 because the state relied on the testimony of Dianne Flagg who seen
4 a specific type of vehicle at the home that was [SILVER] that Pinto
5 was suggesting that the actual killer had in fact driven a silver
6 [pinto]. Only in real time the recording shows that petitioner owned
7 a dark blue pinto; which further supports that they also removed
8 the discussion in two different locations while being interrogated
9 that detectives knew petitioners pinto was blue and not silver.

10 As well when the prosecutor asked the jury why would a man
11 lie about his sexual involvement with a person that had been killed
12 unless he was the actual killer. In fact there was a jury instruction
13 about what the jurors seen and weight they gave that evidence. Only
14 in this case the facts that petitioner wifes presence that had occurred
15 at about page ten of the states interrogation and later in that
16 same interrogation had also been washed from the recording and
17 transcripts creating exhibit 49A. In fact the murder weapon that carried
18 DNA, none of the DNA was matched to petitioner. The state relied
19 on the watchband pin located under the victims head also carried
20 DNA according to the criminalist, yet that DNA was not matched to
21 petitioner either. All making the value of the fake evidence carry
22 weight, and even after the jurors heard all the states [theory] and
23 evidences tying petitioner to the crime of murder, they came back
24 hopelessly deadlocked. Suggesting that any of these facts inside
25 the "doctored" records where state parties deliberately and in a cal-
26 culated manner removed specific facts which would have contradicted
27 their arguments and evidence, but then forced them to hear that
28 petitioner had a key to a home he did not live and a crime was committed

1 Because DDA Ferguson argued that the jurors did rely
2 on this fake evidences as exhibit 49A for the state to reach their
3 verdict, petitioner agrees, they did rely on the transcripts that
4 were doctored to place evidence into petitioners possession.
5 As a result of this act along with the ground one here, habeas should
6 issue for the due process violations perpetrated by design and
7 malicious intent by state parties. (see exhibit 51, 62, 43)

8 You cant waive petitioners rights outside of his presence,
9 and you can stipulate to manufacture evidence that will be used in a
10 criminal trial, irregardless of who that crafter is. (THE RULE OF
11 LAW APPLIES TO ALL PEOPLE.....EVEN A JUDGE)

12
13 GROUND THREE

14 DDA THOMAS, DETECTIVE ALEXANDER, DPD SANDERS VIOLATED DUE
15 PROCESS RIGHTS AFFORDED UNDER FIFTH AMENDMENT TO A FAIR
16 TRIAL, SIXTH AMENDMENT RIGHT TO IMPARTIAL JURISTS, RIGHT TO
17 CONFRONT WITNESSES AGAINST HIM, RIGHT TO DUE PROCESS
18 UNDER THE FOURTEENTH AMENDMENT UNITED STATES CONSTITUTION
19 WHEN PROSECUTOR AND COUNSEL PRESENTED LIARS ON THE STAND
20 OF ALEXANDER WHO LIED ABOUT THE AUTHENTICATION OF AN INTERROGATION
21 TRANSCRIPT CONTENT, AS WELL AS LYING ABOUT THE
22 EXISTANCE AND CONTENT OF A FINGERPRINT REPORT. THAT BURCE
23 NASH LIED ABOUT THE DESTINATION OF RITA COBB WHEN SHE LEFT
24 THE DRINKING PARTY. THAT JOHN SULLIVAN ~~XXX~~ LIED ABOUT
25 WHAT HE SEEN ON SEPTEMBER 20, 1985 REGARDING NASH TAKING
26 COBB HOME

27 A & B-Robert alexanders lies to the court

28 C-Bruce Nash lies about the destination of Rita Cobb after the party

D- John Sullivan who lied about what he seen regarding nash giving
cobb a ride home

Facts surrounding false testimony

A.

Detective Robert Alexander was assigned as the lead investigator

1 four the state regarding case #FV1900518. His duty as an officer
2 of the Court was to provide truthful and reliable evidence regard-
3 ing his knowledge of facts of the case and evidence. Alexander
4 was asked about the contents of a fingerprint report during cross
5 examination. Trial counsel had asked whether the detective had
6 seen the entire file regarding the case. Alexander gave very mislead-
7 ing responses trying to prevent the contents of the report that
8 had been collected from the crime scene. Alexander was asked whether
9 he had seen and has knowledge of all the evidence to the case and
10 he responded he did. (RT687) He then was asked was he familiar with
11 the entire investigations since ~~2002~~ the crime was committed in
12 1985 until the facts of the case up until 2009, and he stated
13 he did. Admitted that all of the reports that had been generated
14 were in fact in his possession. Stating that he had not discovered
15 any later that he did not know about. (RT687:9-19) He then stated
16 that he was not sure whether there were fingerprints that had been
17 developed. (RT688:5) But then suggested that he knew that petition-
18 ers prints were not located at the scene. (RT688) Stating that if
19 he had seen the reports that he don't recall all the names, but
20 then admits that there was a print on a cup located in the kitchen.
21 (RT688:5-19) The prosecutor entered an objection that was allegedly
22 sustained as hearsay. The Court abusing the discretion for hearsay
23 statements by a state employee about state records that had been
24 collected was an abuse. The prosecutor knew the report existed as
25 well as the detective knew that it existed and there was a result
26 which shows that petitioners prints were not located at the scene.

27 Because these records are state records and deemed to be
28 credible, they are not hearsay and are an exception, all parties

1 knew this. including trial counsel. Put because of the Courts inter-
2 ferance with cross examination the results of that print were not
3 divulged, but more importantly was the results where petitioners
4 prints were not revealed in this report because his prints were
5 not found at this scene. Trial counsel did not have the knowledge
6 to navigate this hurdle which would have been Evidence Code § 1280
7 making this record exception to the hearsay standard the prosecutor
8 allegedly objected to. By refusing access to the information in this
9 report that Alexander was mistating facts to evade the release of
10 the results was prejudicial to petitioners case, specifically that
11 the jurors asked about Joseph Saunders presence at the scene.

12 //

13 IN REAL TIME TRANSCRIPTS THIS WAS NOT THE DISCUSSION ABOUT THE REPORT
THIS IS EXACTLY WHAT WAS ASKED AND ANSWERD.

14 Q- DID YOU REVEIVE ALL THE EVIDNECE TO THIS CASE AND DO YOU HAVE KNOWLEDGE
ABOUT THE EVIDNECES TO THIS CASE ??

15 A- YES I DO.

16 Q- DO YOU RECALL A FINGERPRINT REPORT FROM THIS CASE ??

17 A- NO NOT THAT I CAN RECALL

18 Q_ SO YOU DONT RECALL ANY FINGERPRINT REPORT FOR THIS CASE ??

18 A- NO, NOT THAT I CAN RECALL.

19 these transcripts were alteredd aftæer the trial. and is supported by Thomas'
20 closing statements saying that there was no fingerprint evidence presented
in this case SEE EXHIBIT 59

21 //

22
23 The prosecutors closing statement is as follows regarding
24 this alleged denial of access to the results of the fingerprint
25 report (RI648:25- 649:7) (Prosecutors closing) "Lets say that
26 we did collect-- there was evidnce that there wwere fingerprints,
27 [AND YOU DIDNT HEAR ANY EVIDNCE], BUT LETS SAY THER WAS EVIDNECE
28 THAT FINGERPRINTS KW WERE COLLECTED, AND IT CAME BACK TO ..

1 TO MR YARLONSKY. WHAT WOULD HIS EXCUSE BE ? OF COURSE MR YAPLONSLY
2 WASSIN THE HOUSE AT SOME POINT, BUT THAST FINGERPRINT, THAT WOULDNT
3 TELL US THT HE WAS IN THERE THAT FRIDAY NIGHT OR SATURDAY MORNING.
4 HE'S HAVE ANOTHER EXCUSE, JUST LIKE THE CONSENSUAL SEX.....HE HAS
5 AN EXCUSE".

6
7 First it is almost irregardless if the transcripts were
8 altered after the trial, but for arguments sake even the altered
9 version violates due process rights to question witnesses against
10 petitioner, giving him the oppertunity to develop the facts about
11 not onlty that the prints were found matching Saunders, and petitioners
12 were not at the residence, but that this print supported a defense
13 that would have falledn undetr third party culpability, because
14 saunders was at the house just after Cobb got home, and arrived un-
15 invoted. His arrival scared the hell out of Cobb so much that after
16 he arrives she tells him that a) she lives near friends b) That
17 there goes one of them now c) That she was on the phone d) That
18 Cobb had never divulged to Saunders where she lived for peculiar
19 reasons e) That his arrival and parking onthe highway over 100-
20 yarsds down hill froim her house and walking to her home that she
21 called a son that beats the hell out of her and lives in another
22 town 30 milesd away for his help. f) He committes suicide three
23 months after telling the sheriffs that he did not have a relationship
24 with cobb, nor had they discussed having sex, g) onltn after he
25 kiloled himself the sheriff located a journal in his home [ABOUT
26 HIS RELATIOSHIP WITH COBB] AND THAT HE HAD CHANGED HIS LAST WILL
27 AND TESTIMENT !) But to stated that he has no knowledge of the finger-
28 print report does match what the prosecutor told the jury in his

1 closing argument, that there was no fingerprint evidence in this
2 trial. Even though Alexander "allegedly stated" he knew Yablonsky's
3 prints were not found in the scene. b) That the prosecutor stated
4 there was no evidence of fingerprints in this case, but Alexander
5 allegedly ~~stated that~~ stated that he doesn't remember all the
6 ~~names~~
7 names, or that if it had even been developed yet. By refusing this info
8 to the jury that was not hearsay violated petitioners right to confront
9 as well as to fairness of the trial because if the DNA was in fact
10 older as the experts stated, (RT317, 490) that a fingerprint from
11 a man who stated he last seen Cobb at a party, and was invited back
12 to her house but never went and cannot account for his time or proof
13 he did in fact go home suggests that his culpability outweighed
14 petitioners by a landslide. This lie was deliberate and intentional.

15
16 F.

17 That detective Alexander was asked to testify about the
18 ~~accuracy~~
19 accuracy of the transcript of exhibit 49 to 49A that was used in
20 the trial on January 27, 2011 where the prosecutor asked Alexander
21 whether the ~~transcript~~ transcript was accurate to the best of his ability.

22 P- As far as the digital audio portion, have you had the opportunity
23 to review the transcript, along with the recording to ensure it
24 was [accurate].

25 D- Yes.

26 P- As far as exhibit 49A which is the recording do you believe that
27 that's accurate to the best of your ability ?

28 D- Yes.

CORAM NOBIS ~~103~~

1 Because the detective knew that the answers were not accurately.
2 transcribed into the exhibit 49A(113 page transcript) because the
3 answers were not only changed by him in the initial changing on
4 November 23, 2010, but he assisted the prosecutor on January 26, 2011
5 to further altering the answers so that the sound now matched the
6 text that was used in exhibit 49A (see exhibit 40, 41) The evidence
7 code allowed for copies of recordings so long as the meaning had
8 not been changed. Only the evidence code does not cover the alter-
9 ing of answers. That is covered by P.C. §§ 134, 135. For the sheriff
10 officer to swear under oath about evidence he knew to be false at
11 the assistance of his prosecutor who also knew the evidence to be
12 false violates due process rights to due process rights to access
13 to evidence, and the right to confront., Further trial counsel cannot
14 waive rights to his client without discussing the exposures of the
15 waiver, unless the trial counsel participated in the conspiracy to
16 present false evidence, and even then he cannot waive rights of
17 the client without the permission. The sheriff's officer had an oblig-
18 ation to the truth, and even if it could be interpreted as misleading
19 that amounts to lying to the jurors who were relying on the inte-
20 grity of the state official to be honest, why else take the sworn
21 oath before giving testimony.

22 When this was argued under habeas corpus with the state
23 DDA Ferguson stated that inconsistent statements are not synonymous
24 to perjury. Only these statements were in the first hand nature by
25 an expert about evidence that was relevant on both accounts, but
26 specifically about the authentication of the recording that was manu-
27 factured on 11/23/10 as well as on 1/26/11. (SEE EXHIBIT 29)

28

CORAM NOBIS ~~104~~

124

C.

1
2 The state relied on the testimony of Bruce Nash who was one
3 of the last people to see Rita Cobb alive. Bruce Nash (Nash) gave statement
4 in 1985. (see exhibit 13) telling officers he seen Cobb at the drinking
5 party at the mini spring ranch (John Sullivan) Nash stated that
6 he seen Cobb arrive at the party on 9/20/85 around 1930 hours (&;
7 (7:30 p.m.) That he seen Cobb drinking bourbon and that he and his
8 then girlfriend Cynthia Hooper, now wife left the party around
9 2145 ((;45 p.m.) and that when they offered Cobb a ride home
10 because she was a little "buzzed" but that they left her there with
11 Francesca Drake. Nash told sheriffs that Cobb was a lonely woman that
12 was looking for a man she could share her life with. (CT117) Nash
13 was again reinterviewed two decades later recalling the same convers-
14 ation he gave Det. Knapp in 1985. This time he was interviewed by
15 Det Myler in 2009 almost 25byears after the crime had occured. Inthe
16 statement ~~XXXXX~~ Nash told Myler a) That he had a pinto back then
17 b) that they all hung out together until about 9-10 p.m.
18 c) That Cobb was good about holding her liquor, but that she seemed
19 more drunk that night than usual d) That he and Cynthia tried
20 to give Cobb a ride home, but that she was adamant that she could
21 drive herself e) That he did not give her a ride home f) Because
22 Cobb told him that she was going to go to a bar in town called
23 the Zodiac Lounge or somewhere else before going home.

24 Admitting that this left Cobb, John Sullivan and Francesca
25 at the ranch drinking. Nash did offer a few list of a couple boyfriend
26 he thought Cobb to have. (CT 270 -272)) (see exhibit 13) (

27 Nash was called to testify inthe trial, and during cross
28 examination was asked about his last known conversation with Cobb

1 who very well may have been the only one who could state what Cobb
2 last words were. Nash was asked (RT416) whether he recalled having
3 a conversation with Cobb on 9/20/85 and Nash admitted that he had.
4 He then stated that he did offer her a ride home, but that she
5 refused his offer. The trial counsel asked if he remembers what
6 she said, Nash stated that he did. The prosecutor argued under object-
7 ion that this information was hearsay. Trial counsel could not
8 not defend that objection and had no understanding of the laws of
9 the state regarding hearsay exception when the Court asked for
10 authority of "indicia of reliability" (That answer is Ev. Code § 1250)

11 Because trial counsel did not have that knowledge the
12 states objection was sustained under hearsay by the Court. (discussed
13 later here). The trial counsel then asked another way of the information
14 that was refused by the Court (RT 417 :13-26)

15 Q- So did you-- you offered her-- to take her home. Was she in the
16 process of getting ready to go home ?

17 A- YES I Don't remember. I believe so.

18 Q- Okay, she declined your offer to drive her home ?

19 A- Yes.

20 Q- Did you watch her as she left to go to her house ?

21 A_ I don't remember that.

22 Q_ Was there some discussion between her and your girlfriend ?

23 A- Correct.

24 Q- Was there some discussion between the two of you that you
25 should follow her home to make sure she got home safe ?

26 A- I don't remember .

27 Here because the Court intruded upon the right to probe
28 and develop facts that were related to the last
known conversation it was withheld from the jurors that Nash was
told by Cobb that she said she was not going home. In fact she
to.,d Nash that she was going to a bar, which she also told Hopper.

1) (see exhibit 20) That Hooper was interviewed by an investigator
2 on 1/13/10 and told the investigator that she remembers seeing Cobb
3 at the Sullivan drinking party, but recalls that someone had taken her
4 home or checked up on her to make sure she arrived home safely. Hooper
5 added that she believed it odd for Kramer to have found
6 his mother because they had been so estranged for some time. Now ~~when~~
7 when Francesca Drake gave an interview in 1985 she told det,
8 ~~tuttle~~ Tuttle that she had also been at the party and did see Cobb
9 there drinking. She stated that she recalled Cobb leaving the party
10 around 2330 (11:30 p.m.) that Friday night on 9/20/85.

11 All of these statements agree that Nash did not give
12 Cobb a ride home after the party and that he had left
13 around 9:30 p.m, almost two hours before Cobb
14 left the party which was verified by Francesca who was there
15 after Nash had left. Further because the state entered an objection
16 and the trial counsel could not intelligibly defend it for lack
17 of knowledge, the right to probe was cumulative. First violation
18 to due process rights to probe a witness under the sixth amendment
19 which the Court of appeals agreed in their ruling. (see exhibit
20 52) Stating that this information should have been made known
21 to the jurors and under Ev. Code § 1250 this information would
22 have.

23 Had this witness told the truth, he would have told
24 the Court that Cobb had not been headed home, and that she was
25 going to a bar, even though he stated he did not give her the
26 ride, could not recall whether she left the party before he did
27 or not. That information is irrelevant when it comes to whether he
28 knew her to be headed home or not. As a result of this lie

1 Further when Fergusoin argued under habeas his statement
2 to the Court that inconsistant statements are not synonomous to
3 perjury puts this "mistatementy" into a catagory that does not
4 qualify in this instance. First Nash gave repeated same statements
5 to police and investizators of the facts over a period of 25 years
6 that weas exactly the same. (see exhibit 13) (see exhibit 20)
7 (see exhibit 14) The fact the Court gave Sanders the oppertunity
8 to challenge the appeal which could have been won.....but did
9 not know the ;law does not change the result of the testimony, nor
10 does it recharacterize its nature. Nash lied. He told the Court
11 he believed that Cobb was headed home, when he distinctly remembers
12 that conversation that she did not want a ridfe home when he offered.

13 He remembered the statement she gave about going someplace
14 else other than home, so for himto say he thinks she was going home
15 is critical for the victims past words. But more importantly this
16 would have supported another third party culpability issue regarding
17 Gregory Randolph who addmittingly stated that he A) met Cobb at
18 the same bar she said she was going (see exhibit 16)(see exhibit
19 25) B) and that he met her Friday night , took her home and after
20 an arguement about sex strangled her until she turned black and then
21 he raped her. (emphasis added)

22 The lie was not only coersed by detective Alexander who
23 visited both Nash and Sullivan before thier Monday testimony in
24 Court. (discussed later here) But then interfered first by the
25 prosecutor who entered a bogus objection on hearsay whop also should
26 have klnown the laws (Ev.Code §§ 1250) but chose not to honor the
27 law in an effort to diminish the petitioners right to a defense.
28 Furhter the Court entertained this objection and Sanders "FAILED"

1 For third party to stand there has to be something
2 direct or circumstantial to connect that party to the crime, and
3 here Cobb going to a bar where another man who not only confessed
4 to the crime, but at one time had been under arrest for this crime
5 stated that he met her before he killed her meets that requirement
6 under the HALL theory regarding third party culpability.
7 The Court of appeals agreed that this information should have been
8 allowed and that the Court had committed prejudicial error from
9 not allowing it, and admitted the laws under § 1250 should have been
10 applied for the victims last statements, which in this case Nash
11 knew, Thomas knew, Alexander knew, and even the damn attorney Sanders
12 knew should have been admitted. It was as if Sanders had worked
13 with the prosecutor to discuss issue but fail to prepare, research
14 or challenge the state's case with any effort, interests, or showing
15 of professionalism. But none of this changes the facts that Nash
16 lied, he admitted that he was coached about what to say, and even
17 though the transcript has been washed for this the elephant in that
18 room could not be overcome.

19
20
21 D.

22 John Sullivan was interviewed several times over the years
23 (see exhibit 14) and in those interviews from 1985 until 1988 had
24 been consistent, telling officers that he knew Cobb and the last
25 time he seen her she was at his drinking party on 9/20/85. He told
26 officers that she arrived at about 7:30 p.m. drinking a bottle
27 of bourbon (her favorite drink) alone and that when she finished
28 that he offered her some moon shine (whitlightning) He told officers
the same account that Francesca had that he had fallen asleep
around 10:30 p.m. after Nash had left.

1 Sullivan never told officer back then that he seen Nash
2 giving Cobb a ride home, while he did offer Rita had been drinking
3 alot and that she dated a man named Fred Berdard who drove a van.
4 He told officers that she was a lonely woman and seen alot of men
5 and that as far as he knew she was seeing someone from Spring
6 valley. He admitted that the last time he seen her ws at the
7 party and added that he remembers Cobb being hit by Fred(CT64-65)
8 In fact Sullivan told investigators almost a mirror statement
9 in 2010 about his knowledge of Cobb and her going to his party
10 and again he did not say anything about Cobb being driven home
11 although he admitted Cobb and her son had been estranged from
12 some time.

13 He was again interviewd in 2009 by Myler on March 9
14 2009. In this intervuiw he told officers that Cobb had gone
15 to his house about twice a month and usuallu on Fridays and Satur-
16 day nights. (CT256)(see exhibit 14) He recalled Rita arriving
17 at 8:00 p.m. where his earlier statments were that she arrived
18 at 7:30 one time and 6:00 p.m anotheatr. He then admitted to
19 giviner her some whitelightneing and that they continued to soc-
20 ialize. He added that soemtime around 10:00 p.m. that Cobb said
21 it was time to go home and that the rrest of the aprty goers
22 felt she was too drunk to drive home. He said he seen Bruce Nash
23 get into her drivers seat of Rita's cafdillac and drove Rita
24 home as Cynthia followed then. Knowing that Sullivan had just
25 told him a different story that he told in 1985 25 years ago
26 and two days after the crime, Myler probed and recorded these
27 extreme differences in Sullivans testimony as well as Nash' testimony
28 and Francesca Sullivan terstimony. (see exhibits 13, 14)

1 When Sullivan got onto the stand he offered that he
2 had been coached by Alexander and Myler and then told the jury
3 who just heard Nash's testimony that he did not give Cobb a ride
4 home, that Sullivan now tells them he seen Nash drive Cobb home.
5 The prosecutor knew these differences would only confuse the
6 jurors, but more importantly was that he knew that Sullivan
7 statements in 1985 were corroborated by every other witness at
8 the party (Bruce Nash)(Cynthia Hooper)(Francesca Drake) admitted
9 that Sullivan had fallen asleep at 10:30 and that Bruce and
10 Cynthia had left the party while not driving Cobb home and left
11 around 9:30-45 p.m.. Francesca stated that she recalled Cobb
12 leaving at 11:30 p.m. well after Nash had left and after her
13 husband had already fallen asleep and that she may have been
14 going to a bar because she liked to frequent the bars. This
15 information was well established and the prosecutor knew that
16 this mans unreliability would only confuse the jurors. But when
17 Sullivan bantered about how his memory now 25 years after the
18 crime is better than it was three days after
19 ^{the} crime and that his memory was coached by Alexander who visited
~~RIN~~ his ranch that Friday before. It was the duty to correct this mistatement
20 by the prosecutoions team Alexander and Thomas but they allowed this
21 to stand. Because this liar got onto the stand at the guidance of Alex-
22 ander who knew that he was either incapable of remembering, or only
23 remembered the story that Alexander had planted on March 10, 2009
24 *AND HEARD ON FRIDAY BEFORE TESTIMONY*
25 when Myler interviewed him and knew that Sullivan had then been incapabl
26 of recalling facts of outside his name, Cobbs arrival at the party
27 and the names of the other party attenders. This was very prejudicial
28 to the trial and the prosecutor banked on this.

1
2 During the trial the state presented evidences that had
3 been collected from the crime scene. Specifically a watchband pin that
4 had been pulled from the perpetrators arms during the struggle of
5 the crime. Being ripped from his arm on his left side while he stranxix
6 gled Cobb . This was identifoed as states evidnece for DR#1331036
7 Item #A15 (watchband keepr) During the testimony by criminalist
8 Jones (RT292- 297) he testified that skin cells werew great source
9 for DNA samples (RT292:13-15) adding that they can get great results
10 from sweat (RT292:18-19) admiittting tha there were blood
11 splatters in the ahll way that may have transfers of DNA(RT293)
12 and that they are able to get DNA from cigarette butts. (RT293-94)
13 He was then asked about the collections fromthe watchband pin ,where
14 he stated that there was no testing of the pin. (RT297:8)"To have
15 DNA, no sir. I dont know if anybody has looked atb it again. I did
16 not, and honestly, if anybody requested we do touch DNA on it, I
17 would finfd a way to convince them that we weren't going to do it"
18 (RT297:11-14) (see exhibit 60)

19 Later during the prosecutors closing statments he grossly
20 mistated the experts testimony as such. (see exhibit 59)(RT596)

21 "WHAT ABOUT THE WATCHBAND PIN ? THATS INPORTANT BECAUSEW
22 LOKK WHERE ITS AT. ITS ABOVE HER RIGHT SIDE. ITS LIKE IF
23 SOMEBODY WERE TO HOLD MKK THEIR HANDS--IF A MALE WERER
24 TO HOLD THEIR HAND, AND SHE WAS STRUGGLING, SHE MIGHT
25 HAVE GOTTEN THE WATCH PIN OUT. IT WAS THE DEFENDANTS
26 WATCH PIN. [YOU HEARD THE TESTIMONY, THAT THEWATCHBAND
27 PIN DOES NOT MATCH THE WATCHBAND PIN THAT RITA HAD]
28 LOOK AT THE SIZE. I WOULD ARGUE ITS A MALES PIN
THAT WOULD SHOW ADDITIONAL SIGNS OF A STRUGGLE AND SHOW
ADDITIONAL SIGNS THAT SHE WAS, IN FACT RAPED AND THIS
WAS UNCONSENSUAL . IF YOU CONCLUDE THE MOTIVZ
IN THIS CASE WAS RAPE, THEN EVERYTHING POINTS TO THIS P
PERSON WHO COMMITTED THE RAPE.

1 DNA EVIDNCES SHOWED THAT ONLY THE DEFENDANT HAD SEX WITH
2 RITA. THERES NO OTHER EVIDNECE SHOWING THAT ANYBODY
3 ELSE HAD SEX WITH RITS OTHER THAN THE DEFENDANT

4 Because the prosecutor relied on this (watchband pin) to s
5 show that there waaas a struggle when Cobb had been killed and showed
6 that it was left behind by the actual killer when they strangled
7 her, but when it came to making comments about the facts of the
8 experts testimony Thomas fg grossly mischaracterized what was said
9 (That there was no DNA testing) by the expert. Only Thomas asked
10 the jurors to remember what was said inthe [trestimony] placing
11 the walue of this pin as being something left by the killer and
12 proof that the alleged sex at the time of the murder was non consensual
13 and had been committed by the [defendant].

14 This was a critical point in the case, where there "really"
15 was "nothing" inthe case that placed the petitioner at the criem scene
16 the day the crime occured., And even though this expert cleared the
17 DNA matching petitioner by several days before the crime occured
18 (RT 317) The other expert cleared the DNA by as much as one and
19 a half full days(RT490) So this mistatement was made to coerse the
20 jurors into believing that there was DNA ~~on the watchband pin~~
21 onthe watchband pin and that it had been matched to pettiioner,

22 when it had not. After he had given them this gross
23 mistatement the jurors were now to believe that he had another expert
24 have this evidnece examined , only forzot to produce it ??????. Only
25 that watchband pin belonged to a right handed person. It is common
26 knowledge that right handd people wear their watch on their left
27 hand, while left handed people wear their watches on their right.
28 *PETITIONER IS LEFT HANDED.*
The prosecutor then aruged effectively that "they" held their hands

1 over while they leaned into Rita as they strangled her from the
2 top, which would have left a watchband pin on her right side lying
3 face up from a right handed person hovering over her as they committed
4 the crime. (A watch that ~~was~~ was strapped to the left wrist of [the
5 right] handed person), This could have also been scientifically
6 supported by an expert who examined the manner which the weapon
7 that had been wrapped around the victims neck when she was killed.

8 But that the prosecutor argued that this [pin] should
9 be included in their determinations of a [element] where sex was to

10 be determined as consensual or non consensual makes this
11 a statement that much more valuable in a defense. As like the entire
12 case, counselor Sanders did not challenge this error either, while
13 he warmed the seat in this courtroom, forfeiting this LIE by the
14 state, possibly because he didnt know that law either.....or
15 he had already told Thomas that he was not going to challenge the
16 case on any meritorious matters at all. I would not be surprised
17 if Sanders had already applied for the job as being a prosecutor
18 in that county.

19 Now when this was argued by Ferguson in habeas, he offered
20 that because petitioner could not provide who's DNA was on this
21 item, that the argument should fail. Adding that even though there
22 is another mans DNA in this bedroom does not mean they killed anybody.
23 adding that possibly Mrs Cobb was collecting watchband pins.

24 (emphasis added) Petitioner filed a objection for the gross
25 and heartless comments by ferguson ^{about} ~~about~~ Cobb collecting pins.

26 (BECAUSE FERGUSON STATEMENTS WAS SO DISPROPORTIONATE TO KN ITEM
27 THAT WAS LEFT BEHIND BY THE KILLER, THEN ADMITS THAT THERE WAS
28 DNA ON THIS ITEM AND IT DID NOT MATCH PETITIONER())

1 Points and authorities listed above are hereby now incorporated

2 Perjury is defined by United States v White 2016 US District
3 LEXIS 54486 as whoever having taken an ~~oath~~ oath before a competent
4 tribunal, office or person in [any] case in which a law of the
5 U.S. authorizes an oath to be administered, that he will testify,
6 declare, depose, or certify as true, or that any written testimony,
7 declaration, deposition or certified by subscription, is true, will full
8 and contrary to such other statute or subscription in any manner or
9 matter which he does not believe to be true in order to establish
10 due process violations stemming from the use of ~~perjured~~ perjured testimony
11 the defendant must;

- 12 1) The witness committed perjury
- 13 2) The government knew or should have known the testimony was false
- 14 3) The testimony went uncorrected
- 15 4) There is a reasonable likelihood that the false testimony could have
16 affected the verdict

16 See also U.S. v Agurs, 427 US 97(1976): In Re Richards 63 Cal.
17 4th 291(2016) That is reasonably probable that the false testimony
18 or evidence affected the outcome because with the exception of a certain
19 evidence the defendant's prosecutor had a substantial responsibility
20 to present evidence above the threshold of mere suspicions or circum-
21 stantiality. Further more CRPC Rule 5-200(A)(B) state that a
22 member of the bar shall employ all means that are consistent in the
23 truth, and shall not seek to mislead the judge, judicial officer
24 by any artifice or false statement of facts.....or law.

Analysis of ground three A through F

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The prosecutor had an obligation regarding the witnesses he used in trial as well as the statements he was to give the jurors throughout the trial regarding facts, testimonies and witnesses he presented in order to protect the integrity of the rights afforded the defendants interests, When the state lead detective gave false testimony the prosecutor knew or should have known regarding the a) Fingerprint report b) the authenticity of the interrogation transcript which he both knew was false as well as misleading had an obligation to correct the statements by his detective about state evidence. Only Thomas assisted, and coerced these mistatements that were ~~xxxx~~ false about specific material evidnces. First the fingerprint report that the prosecutor corroborated was misleading when he stated that no evidnceds were presented regarding fingerprints. When the detective gave misleading responses a) not sure there were results b) if there were any results developed c) But that he knew Yablonsky's prints were not located. All of which are misleading. But when an objection that is against hearsay ~~xxx~~ blockades suggesting state evidnces are hearsay was wrong per § 1280 as explained above. Next when the detective alleged to authenticate the interrogation he gave knowing false and misleading statements that the jury relied as factual.....and it was not!!!

The state ehtn relied on two very critical witnesses Nash and Sullivan who for a better way of words gave confusing state ments to the jurors either contradictorty to their previous statements or one o another statements copntradicting each other about the last kknown destination of Cobb and whether anyone drove her home!!!

1 These were critical as to how and what the jurors we
2 believe regarding the last destination of Cobb after the drinking
3 party at the Sullivans. Because neither of these witnesses gave
4 reliable testimony both should be impeached for factual material
5 evidence as to whether they gave Cobb a drive home, and whether Nash
6 did in fact drive Cobb home that night, or whether Thomas and Alex-
7 ander coerced the testimony of both these witnesses. Because of
8 the knowing~~ly~~ false~~d~~ statements enjoined by Thomas and Alexander
9 does suggest that they too coerced the statements before these
10 witnesses entered the courtroom on Monday .

11 These facts violated due process rights under the right to confront
12 and caused such unfairness that the entire became a sham and
13 farce regarding the states entire case. Especially when the experts
14 who placed Yablonsky at the crime scene did so by placing him there
15 from one to several days before the crime ever occurred(PT317,490)
16 and then these witnesses gave such unreliable testimony the jurors
17 didnt have a chance to see the historical facts of the case. They
18 were shown a manufactured recording transcript that was so altered
19 that it did not resemble the actual interrogation, while they were to
20 believe Yablonsky had keys to the Cobb residence.

21 These repeated injections of falseness crippled the entire
22 case into an absolute miscarriage of justice that could not be
23 relied. As a result of the prosecutors acts and misconduct that
24 violated due process rights guaranteed petitioner habeas must be issued
25 and an order to show cause where state parties are to authenticate
26 the exhibits in this petitioner and admit their values or provide
27 such proofs that would diminish their values. These evidences are
28 material and relevant to the case and should be allowed in the record.

GROUND FOUR

1
2 TRIAL COUNSEL DAVID SANDERS VIOLATED PETITIONERS
3 SIXTH AMENDMENT RIGHT TO EFFECTIVE COUNSEL WHEN
4 HE DELIBERATELY, RECKLESSLY, INCOMPETANTLY FAILED
5 TO INVESTIGATE MATERIAL AND RELEVANT EVIDNCES,
6 WITNESSES WHILE REPRESENTING PETITIONER VIOLATING
7 DUE PROCESS RIGHTS TO EFFECTIVE REPRESENTATION
8 WHEN HE FAILED TO INVESTIGATE AND HAVE EXAMINED
9 THE RED HAIR WITH THE ENTIRE ROOTS ATTACHED,,
10 THE WATCHBAND PIN LOCATED UNDER THE VICTIMS HEAD
11 THE MURDER WEAPON FOUND ON THE VICTIMS BODY
12 THE BLOOD SMEARS LOCATED ONTHE VICTIMS BEDROOM JAMB
13 THE CIGARETTE BUTTS LOCATED INTHE DINING ROOM
14 THE ALIBI WITNESSES THAT PLACED PETITIONER AT ANOTHER
15 LOCATUION WHEN THE CRIME ALLEGEDLY TOOK PLACE
16 FAILED TO INVETIGATE GREGORY RANDOLPH
17 FAILED TO SUPRESS EVIDNECE HE KNEW HAD BEEN ILLEGAL
18 AND ALTERED.
19 REDUCING THIS CASE TO A FARCE AND SHAM.

20 Facts surrounding ground four

21 On or about May 2009 David Sanders was appointed to repres
22 ent petitioner for a serious crime #FVI900518. Upon the very first
23 discussion petitioner asked had he spoke to Geoffery Cantv about =
24 the case and Sanders admitted he had. Petitioner then asked counxsel
25 about the states entire case file and Sanders stated he wsa told by
26 Canty that it had already been released. Petitionenr told Sanders it
27 had not, and demanded to see the states entire case file. After
28 about a month of no response. petitionenr wriote and vcalled sanders
demanding the entire file and asked about specific investigations
regarding petitioners rights and interests. (see exhibit 2-1)

Sanders then chose to tr release only 300 of the over 5000
5000 pages, less than 7 % percent of the states file, enclosing a note
saying that this is the states entire records except for the DNA
records for petitioner. Telling petitioner that they were difficult
to understand and would only coinfuse petitioner. (see exhibit 1-3)
Sanders was asked about specific investigations which were related
to viable and intelligible defenses.

1 Sanders had repeatedly asked petitioner to waive time
2 so that Sanders could conduct investigations that had been asked
3 for by petitioner, telling petitioner he was going to investigate
4 the DNA evidence that was found at the scene, specifically the
5 desk cloth that was located which had petitioners DNA on it, because
6 Canty had stated that it was found. Sanders was also asked about
7 the investigations to a We-Tip investigation about a confession.
8 When petitioner spoke to Canty the first counsel from this firm
9 Canty stated that there was [nothing] that placed petitioner at
10 the crime scene that relates to the crime, but stated this without
11 the release of any tangible papers from the case to support these
12 comments by counsel.

13 After Sanders released 300 pages of the states records
14 on June 2009 petitioner made more requests regarding the records
15 that had been released. Specifically the transcript to the inter-
16 rogation that occurred on March 8, 2009. Petitioner stated that the
17 transcript was inaccurate Sanders stated that it was only an inter-
18 preterd transcript. This was a 113 page version. Petitioner was not
19 told there was another version and then told Sanders that answers
20 had been changed with the interrogation transcript as well as the
21 jail phone call transcripts. Sanders stated that if the case went to
22 trial that verbatim records would be used. Petitioner did not know that
23 suppression motion could be used, and did not know to ask, counsel
24 did not explain possible defenses either, only that verbatim would
25 be used if the case went to trial. This is verified by Global tel
26 calls to (760)241-0413 from booking #0903341068 after June 2009.

27 Sanders had kept telling petitioner that he was getting
28 expert witnesses, and was having all the DNA examined by laboratories.

1 In fact there was a specific motion to recuse the prosecu
2 tors office where the Court specifically granted Sanders a continuanc
3 to conduct certain investigations. (see exhibit 35, 36 ~~37~~ ³⁷ ~~38~~ ~~39~~ ~~40~~ NOTICE
4 exhibit 37 where the minute order stated motion denied and continuance
5 granted. The transcript to this hearing does stated continuance to
6 investigate. Sanders had never even filed for expert witnesses
7 stipen. In fact it was not until after the trial when Sanders release
8 another 1600 pages in March 2011 and another 1600 pages in July 2014
9 that trial counsel had not investigated one piece of evidence, had
10 challenged the states case to any degree. In fact when full disclosur
11 was made to petitioner by Hal Smith and Richard Levy that trial coun
12 els actions, inactions and failures amounted to an absolute mis
13 carriage of justice forfeiting rights , benefits, and privileges
14 guaranteeing petitioner to a fair trial by the imbecile incompet
15 ance of David Lynn Sanders who had been a state employee and appoint
16 ed to defend petitioners rights. Once petitionr had discovered that
17 trial counsel was doing nothing more than sabotaging the entire cas
18 case petitionr filed a motion to [terminate] appointment. (see
19 exhibit 47) This was filed immediatley after the petitioner had been
20 triaed and convicted by fake and false evidences where Sanders did
21 not challenge the states case to any reasonable, or competent
22 degree that would lead the reasonble person to believe Sanders was
23 the defense copunselor. (see exhibit 47) Filed on February 25, 2011
24
25

A.

26 Trial counsel had time and acces to the states entire case
27 and all the evidences collected throughout thew states case cfrom
28 9/23/1985 until 3/8/2009 when petitioner had been arrwsted as well

1 all the evidences that had been examined by state experts. Spec
2 ically a red hair that had been collected from the victims body. This
3 hair had been collected and processed by state experts see
4 (exhibit 26) (Exhibit 26-9) That a red hair had been collected and
5 and the entire root structure still in tact. This is valuable not only
6 because of where it had been found, but that it was DNA magnificent
7 according the criminalist Jones (RT300-330) That hairs with the roots
8 in tact would be DNA credible(see exhibit 60) Then that this hair
9 was in fact red, while petitioner was a blonde suspect makes this
10 evidence material and relevant . Sanders did not have this results
11 produced to the Court, nor did he examine the result or did and chose
12 to forfeit those results from being known to his client or the Court.

13 This evidence is very critical to the case, specifically that
14 petitioners DNA was older than the crime (RT317, 490) for as many as
15 several days before the crime occurred. But also that the states argued
16 that Cobb pulled a watchband pin loose from her attacker, which
17 produced a watch band pin that was located under her head. But
18 more importantly was that if she did pull that watch free she would
19 have also been able to free the hairs that were directly under that
20 band the pin was attached to. THE RED HAIR WITH THE ENTIRE ROOTS ATTAC
21 ATTACHED (STATES EVIDENCE #R67999 ITEM #A1 AND A5)(SEE EXHIBIT
22 26) Not only would this evidence have provided another DNA profile
23 profile for the jurors to look into, but would have been more co
24 culpable than petitioners DNA being that petitioner DNA was several
25 days older than the crime(RT317) When petitioner argued this to
26 collaterally attack the conviction under habeas these records
27 were not available, while DDA Ferguson argued that petitioner could
28 not prove the hair was red, nor could he prove it belonged to ~~Cobb~~

1 Gregory Randolph, and that just because there was another
2 mans DNA inside the bedroom that it did not mean they had killed some
3 somebody. (emphasis added) The failure to use this evidence in trial
4 was prejudicial because the states argument was that there was no
5 other DNA's located at this scene, nor was there any presented in
6 this trial, making petitioners DNA the only DNA irregardless if it
7 was older than the crime by several days (RT317, 490) Had the jurors
8 knew that there was red hair found on the victims body while they were
9 were looking at a blond suspect they would never reach a verdict,
10 especially since they were already deadlocked with all the states
11 facts, evidences and witnesses, anything else would have tilted the
12 scales into petitioners favor and there is not a reasonable jurist
13 on this planet that would have convicted petitioner, therefore prejudice
14 for ^{NOT} presenting the states investigations, and prejudice for failing to
15 to have this examined by states experts which would have given the
16 jurors a DNA match to the killer, irregardless if it came back to
17 Gregory Randolph or somebody else. In fact because there is another
18 mans DNA inside that bedroom does infer that they are the true kill
19 ers in this case, especially when petitioners DNA is expertly examined
20 to be older by several days (RT490, 317) (emphasis added)

21
22 B.

23 Like above Sanders had access to the states case, especially
24 when Myler had given him all the evidences before trial. Sanders knew
25 that the states intended on using DNA evidence that was located under
26 the victims head. (watchband pin (Item #A15) Sanders knew that the
27 statew prosecutor would be relying on this evidences to support his
28 element 2 of the charge of intent and knew that this was DNA

1 credible and withheld that it existed from his client so that special
2 investigations could not be asked for. Sanders knew that this was
3 credible evidence and could be used as a defense when his client specifically
4 stated that he was last with Cobb the week before the crime
5 occurred. (see exhibit 2, 3) Sanders knew that this DNA
6 evidence should have been examined or was told by the prosecutor
7 it had been examined and failed to challenge the state's case for
8 the relevance of this material ~~evidence~~ evidence that was located
9 in a remote ~~sp~~ spot, under the victim's head, and ^{Failed} failed to have this
10 evidence examined. Sanders knew that the prosecutor would be
11 using this evidence and knew that the prosecutor would be telling
12 the jury that it belonged to the defendant Mr. Yablonsky. (RT596)
13 (see exhibit 59) Sanders failure to have this examined by experts
14 or to challenge this evidence to any certain degree was prejudicial
15 not only because he could have used the different DNA profile other
16 than petitioners that would have come off this evidence but it
17 would have reduced the prosecutor's argument to show it had
18 belonged to someone else. DDA Ferguson argued that counsel did not
19 have this examined because it may have come back matching the
20 petitioner. Adding that just because there was another man's DNA
21 in the bedroom where Cobb was killed does not mean they killed some
22 body. Further adding that maybe Cobb collected watchband pins from
23 her killers and kept them. ***(emphasis added)(EMPHASIS ADDED !!!)**
24 Failing to inform his client of its existence was prejudicial, while
25 failing the opportunity to have it examined reduced the trial to
26 a farce and sham, because this evidence was relevant, and material!!!
27 Sanders failed to challenge the state's use of this evidence nor
28 did he bring to the attention that it was DNA magnificent!!

1 Just as the red hair there was no tactical reason to not
2 challenge the states case which DNA would have dramatically undermine
3 the states theory that petitioner had committed the crime relying
4 on false statements in an illegal interrogation. Where DNA matching
5 petitioner to the scene was older than the crime by more than one full
6 day and as many as several days before the crime occurred, making this
7 item left behind by the killer extremely critical and failure to ~~exa~~
8 examine it very prejudicial. Because Ferguson argued that because
9 petitioner cannot prove who it belonged to does not satisfy the
10 prosecutor's responsibility to prove beyond reasonable doubt., Only
11 how they place that burden upon petitioner while he is in a concrete
12 tomb to make this showing. Had these results been shown to a reason-
13 able jurist there would not be one jurist on this planet who would
14 have reach a verdict of guilt. Especially when the trial was close
15 where the jury actually deadlocked with no evidence at all, making
16 this evidence that much more powerful.

17
18
19 ~~or~~

C.

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21 With the above in mind, the counsel also knew that there
22 was a murder weapon located around the victims neck, and that the
23 state also intended on using this evidence to show how the victim
24 was killed while states expert Jones qualified solid non porous o
25 objects as powerful DNA materials and that there would be DNA on
26 this specific item. Sanders knew this and knew that the DNA matching
27 petitione~~n~~r was in fact the result of the encounter he had with Cobb
28 the week before the crime occurred as petitioner told him this before

1 petitioner ever seen one piece of evidence showing that petitioner
2 was in fact telling the truth when he stated it was the week before
3 Cobb had been killed that he was sexually with her. Making it that
4 more important that Sanders have this evidence tested when his client
5 states that he wanted all the DNA evidences tested. Specifically the
6 the murder weapon. This was states evidence Item # 23 (Metal coat
7 hanger) States expert testified that this would be DNA credible while
8 Sanders already knew this when Myler and Alexander gave him the states
9 complete file and all DNA evidences. Sanders did not have this evidence
10 tested and did not challenge the states use of the weapon wither making
11 this material and relvant evidenced be forfeited. Sanders could have
12 validated his clients statements that he was innocent and have all
13 the evidences examined as he told his client that he would, only
14 Sanders forfeited this oppertunity to place the states case to [sopme]
15 adversarial challenge. (see exhibit 50) Sanders had sent the states
16 file to an expert for estimate so that the estimate could be used
17 to file for P.C. 987.2 stipen for DNA examination. When the experts
18 stated that the case required mandatory examinations Sanders failed
19 to secure that oppertunity as he did the rest of petitioners case,
20 ^{Failed} to place the states case to [sopme] chgallenges, especially if these
21 oppertuinity had merit. DNA had merit at this trial. Especially
22 since the prosecutor placed this into a DNA case. Forfieting this
23 oppertunity to show the jurors that the murder weapon was never
24 touched by petitioner would have crippled the states entire case.

25 This failure was prejudicial because this examination
26 would have presented another DNA for the jurors to examine and since
27 petitioners DNA was older then the crime , the murder weapon
28 could have proven the entire case en and acquitted petitioner.

1 With the results of this evidence before the jurists
2 who in this case were paying attention and were reasonable. That
3 there is not one reasonable jurist that would have reached a verdict
4 of guilt, making this failure critical and prejudicial.

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7 D.

8
9 The states experts located blood smears on the bedroom
10 doorjamb in this case. They later determined this blood to be the
11 victims blood and had been smeared into the jamb leaving fingerprints
12 that were unreadable. States experts testified that this type of
13 evidence would have touch DNA and could produce a DNA profile
14 regarding who smeared the blood, and may have come back to matching
15 someone other than the murder victim herself. In fact because Cobb
16 was found in her room laying on the bed with blood smeared on her
17 face could have been determined that the killer had smeared her
18 blood into the jamb. Even if the prints were unreadable, there would
19 have been DNA because there were partial prints that led one to
20 believe that the killer did not wear gloves. Confirming that the
21 murder weapon as well as the watchband pin had DNA as well.

22 Sanders knew that this was a DNA case and that petitioner
23 DNA had been cleared for the time the crime was committed as his
24 client stated (RT317, 490) and would have been able to have this
25 evidence examined for another DNA profile. Because Sanders had sent
26 DNA records to experts who stated this case needed mandatory
27 review that this evidence would have been material and relevant
28 as to who killed Cobb and then left her blood on the door jamb.

1 Failure to test this evidence and place the states case
2 under some challenge was prejudicial and causes caused irreparable
3 harm to petitioners case to challenge the states case in his defense.
4 Furthermore Sanders did not reveal this information to his client
5 until after the trial had been completed and the injury sustained.

6 Because this evidence had not been secure the opportunity
7 to present this to the reasonable jurist was prejudicial as to who
8 actually killed Cobb and left their handprint in her blood as their
9 calling card and Sanders forfeited this opportunity as the rest
10 of the opportunities he sacrificed incompetently.....or deliberately!!

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13 E.

14
15 Sanders knew that there was evidence collected at
16 this scene that came from the victims dining room as a tray that had
17 eight cigarette butts in it. Sanders knew that this would have
18 supported the third party culpability to Gregory Randolph who confessed
19 to this crime. (see exhibit 16, 16-6, 16-7, 16-5,)

20 Three of the cigarette butts collected from the crime
21 scene were matched to Randolph while two matched Kramer, and
22 one of the butts matching Randolph also had Cobb DNA on that as
23 well. Sanders knew this, and when he alleged to try to get this
24 third party evidence into the states records, the Court asked for
25 indications of reliability to show some (reliable source) of the confession
26 made by Randolph on 8/6/83 that he alleged to kill Cobb. The

27 Court of appeals admitted that the Court violated due process (COA14)
28 by forbidding access to the written confession, which needed support

THE RESULT OF THE CONFESSION LED TO POLICE INVESTIGATIONS
CORAM NOBIS-~~26~~ 147

1 (See exhibit 52) and that the we tip was an exception
2 to hearsay if trial counsel had argued the result of ht ereport
3 under(Pweople v Waidla supra, 22 cal.4th at 724) only counsel
4 failed to know the laws surrpiunding his alleged strategy of tactical
5 choices. This was supported by the Court of appeals ruling in
6 (Case #E055840) Because trial counsel did not examine this eviddence
7 he should have known would have placed Randolph at the scene he
8 earlier told police he had not been at the scene for two weeks
9 prior tothe crime being committed. But more importyantly this would
10 have supported a motion to complee compell discovery that would
11 have produced the arrest warrant, the interrogation transcripts
12 for when Randolp[h] had been arrested onm August 10, 1988 after
13 the confession instigated aflurry of investigation, and arrewst.

14 Knowing that these cigarette butts came back matching
15 ~~Kenner, Cobb, Sanders and Randolph~~
16 everyone other than the client and did not match his client made
17 them that much more credible regarding a defense, showing that this
18 oppertunity was also forfeited matched the momentum of this trial
19 counsels abilites. That Sanders did not know, or understand about
20 the duty he owed his client about presenting a defense, or at least
21 challenge the states case to some degree, but to not challenge
22 the case to any degree is not only incompetant but agrees with
23 petitioners summation, that Sanders assisted the prosecutor in alter-
24 ing evidnece, and then hiding the facts to prevent duirect appeal
25 taking this failure doubly prejudicial. Because not only was the
26 trial reduced to sa a sham and farce, but poetitioerns right to
27 direct appeal was also prejudiced by this incompetance display
28 of a trial attorney.

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Trial counsel Sanders was told from the very beginning of the representation of petitioner that he was innocent and that he was not in Lucerne Valley for the week end that Cobb had been killed and was in Downey California over 160 miles away with an entire family who would have and could have vouched for him. That petitioner was in Downey from Thursday September 19, 1985 and as early as September 18, 1985 until September 24, 1985 when he returned with his wife Holly and son John Jr. Petitioner told his counsel that one of the parties that could verify this was his mother in law who was a retired laws enforcement named Linda Mitchell. Sanders stated that she was on the prosecutors list as a witness. Petitioner gave Sanders questions that he could ask her that would verify that petitioner was in fact in Downey when this alleged crime occurred with at least ten other family members from the Mitchell, Mullen family visiting with his wife and son.

When Sanders responses were negative and unreliable regarding this alibi testimony petitioner filed and prepared subpoenas for Holly Mitchell/Yablonsky/Brown and Linda Mitchell and sent them to Sanders for service. Sanders stated that it was not necessary that they would be at the trial. Petitioner asked had he investigated these witnesses and Sanders stated that he had not. (see exhibit 38) These were prepared by petitioner and sent to trial counsel before the trial occurred. When trial started petitioner asked the prosecutor whether Linda and Holly Mitchell were going to testify and Thomas stated that Holly was crazy as a loon and that she would not be there to testify. Possibly because Sanders had told

1 that his client had prepared a series of questions that would have
2 gotten alibi responses verifying that petitioner was in fact in
3 Downey at the time this alleged crime occurred. In fact because these
4 witnesses were used to develop the state case about alleged
5 violent behavior by petitioner to Holly (his ex wife) that these
6 witnesses needed to be there to be examined and were not. In fact
7 petitioner had told Sanders that there would be two witnesses in the
8 courtroom audience that were there to validate the allegations about
9 Yablonsky's abuse to Holly that was not only a lie, but would have
10 provided credibility issues with these witnesses had the state
11 relied on their statements given in 2009 that Yablonsky had beat
12 Holly.

13 In fact petitioner gave Sanders a list of possible leads to
14 to Holly's medical records that would have supported that Holly was
15 Masochistic and would cause harm to herself which her police retired
16 mother would have corroborated and been morally obligated to admit
17 knowing this on the records about her daughter. Furthermore Sanders
18 would have been able to probe for names of other witnesses that were
19 also at the family gathering at the Mullen residence that weekend
20 who gathered for Holly's last visit for some time due to her being
21 due to deliver almost anyday.

22 Because these witnesses were not in the courtroom and were
23 on the prosecution's witness list and Sanders did not protect this
24 valuable defense by filing and serving the subpoenas suggest that
25 he was "assisting the prosecution's case at every opportunity he could
26 ~~be~~ preventing this reliable and credible alibi testimony. In fact
27 petitioner's own daughter Jasmine Shawnda Jade, Yablonsky (the ¹⁹⁸⁵~~1985~~
28 child) at the time of the alleged crime was in the Courtroom with

1 with her cousin that could have also provided corroborating testimony.
2 that John was in Downey for the weekend before Jasmine had been
3 born. It would be impossible to remember dates, but an event such
4 as giving birth would have tabbed the timeline to something more
5 memorable where this could have been ~~remembered~~^{remember} with specificity.

6 The family gathering at the Mullens included Hollys uncle, and his
7 wife. His two children. Hollys mother, and sister Joy Mitchell, as
8 well Thomas and June Mullen. All of the information here was given
9 to Sanders, who for some reason relied on the prosecutors witness
10 list to provide the alibi testimony as stated above. But Sanders
11 entire conduct pretrial, and during trial suggest that Sanders
12 bagged these witnesses with the assistance of Thomas to prevent the
13 alibi testimony needed in this case. Failure to interview, or subpoena
14 these witnesses was very prejudicial and would have been able to
15 provide reliable corroborating testimony that matched the DNA in
16 this case (RT317, 490) That petitioner had been with Cobb the week
17 before and there was NO OTHER EVIDENCE IN THIS CASE OR EXISTANCE
18 THAT PLACED PETITIONER IN THAT HOUSE THE DAY THE CRIME OCCURED!!!!!!

19 Because Sanders knew these were valuable and would have
20 been verified, yet he chose to forfeit these opportunities he per-
21 judiced petitioner beyond understanding. Had these witnesses been
22 allowed to testify in trial along with the less than weak case the
23 prosecutor presented, there is not one reasonable juror on this
24 entire planet that would have found petitioner guilty beyond reasonable
25 doubt. In fact the case was so close to acquittal anything leaning
26 towards not guilty would have completely undermined the entire
27 states case and an acquittal would have been the response!!

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2
3 As stated above that Gregory Randolph had confessed to
4 this crime and state sheriffs had processed investigations that
5 could have supported the arrest that occurred on or about August 10,
6 1988. Sanders knew all of this and knew that the result of the we-
7 tip report that led to investigations where Gregory Randolph had
8 been suspected of not only the Rita Cobb murder, but was also
9 a suspect in Helene Brooks murder that occurred a couple months
10 before the Cobb murder and was committed in a very similar manner
11 as well as circumstance. (see exhibit 18, 19, 17, 16)
12 Sanders had all this information and withheld this from his client
13 when he gave petitioner 300 pages of the over 5000 pages., When
14 petitioner asked for these records in May 2009 (see exhibit 1,2)
15 Sanders chose then to hide them from petitioner. Sanders admitted
16 on the record during Marsden hearing that he withheld the states entire
17 file even after his client had begged for them. (see exhibit 4)

18 Sander failure to investigate this specific evidence for-
19 feited third party culpability opportunity where direct or cir-
20 cumstantial evidence was needed to attach another person to the
21 crime. The confession was hearsay without the investigations, but
22 with the investigations which could have provided matches to the
23 cigarette butts at the scene. (see exhibit 17) would have been
24 enough to get this information into the trial records and the jurors
25 would have been made aware of the person who not only admitted
26 to being at the residence, but also provided a confession that stated
27 he last seen Cobb at the very bar she stated she was going. (see
28 exhibits 13, 161, 25)

1 This failure was very prejudicial as stated above that
2 the Court of appeals for this stated that this information would
3 have been allowed under state law had the trial attorney known the
4 ;law, but because Sanders did not the trial, Court violated due
5 process rights by withholding this information from the jurors
6 (COA 14) (see exhibit 52) Furthermore Sanders not only failed at
7 this point but withheld these facts until July 2014 after the direct
8 appeal had been exhausted, further injuring petitioners due process
9 rights to a fair trial and fair direct appeal. The cigarette butts
10 were matched to the crime scene among the other characters provided
11 by the state and federal governments. (see exhibit 19) where Gregory
12 Randolph was most likely to have been the true killer, and Sanders
13 knew this and chose to refuse any investigation efforts for feigning
14 this opportunity for his client. Had this information been made known
15 to the jurors there is not one reasonable jurist on this planet that
16 would have found defendant guilty and would have acquitted petiti-
17 oner. Even after the trial jurors told the media there was no evidence
18 and that was why it took so long to decide. (see exhibit 32,46)
19 SOME JURORS FELT THEY NEEDED MORE EVIDENCE!!!! This failure to invest-
20 gate fits into the character of Sanders trial capabilities in this
21 case. That he either did not care to do his job, did not know how
22 to do his job, or had assisted the state prosecutor win reaching
23 a verdict of guilt for favor later on in his career.

24 H.

25
26 Sanders had all this evidence and time to investigate
27 and when he was told by his client the interrogation transcripts
28

1 were incorrectly transcribed and illegally collected he forfeited
2 the opportunity as discussed above to suppress this interrogation
3 transcripts that were used in trial that showed petitioner had
4 lied to the detectives on March 8, 2009. Had Sanders filed a suppression
5 motion it would have had merit because the evidence had been
6 illegally collected outside of MIRANDA and had that motion been
7 denied it would have been reserved for appellate purposes. ~~It~~

8 Petitioner told Sanders that he did not give some of
9 the answers the transcript was recorded saying, and had Sanders
10 filed the motion to suppress it would have been granted, and possibly
11 had the case thrown out for fraud the state parties committed.....
12 unless Sanders did in fact assist these parties in creating this
13 false evidence that were created after Yablonsky sued Ramos
14 (see exhibit 35) Because the suppression motion was never filed,
15 the false evidence were then presented into the courtroom even
16 after the judge basically begged Sanders to challenge this in
17 the hearing inside chambers out of the presence of petitioner on
18 January 26, 2011. (see exhibit 42, 43) Sanders stated then that
19 he will not enter an objection, nor will he file suppression motion
20 that would have protected his client from deception by the state
21 who had no case without this manufactured piece of evidence that
22 was used on January 27, 2011 where the jurors were told that
23 Yablonsky not only lied to the cops about his sexual relationship
24 but held a key to the Cobb home for months after they moved out
25 so he could return and commit a crime. Failure to suppress this
26 valuable opportunity to destroy the state's case prejudiced petitioner
27 beyond repair as the state habeas court and federal habeas court
28 were made to hear that evidence was used to show the jurors that
petitioner had lied to the cops therefore he is guilty of killing
Cobb.

1 Had this evidence been suppressed the prosecutor would ha
2 been left with the fact that petitioners DNA which had been examined
3 and verified as the result of an embcounter that occurred several day
4 before the crime occurred and [nothing] else indicating petitioners
5 guilt. But because this evidence was not suppressed the prosecutor
6 had an opportunity to alter the course of the trial with inferences,
7 possibilities, and propinquity of a piece of evidence that was so
8 contaminating and worthless for its values with accuracy. The prosec
9 had no case without this critical piece of evidence he altered to
10 support his theory, that because Yablonsky lied to the cops about
11 his sex with Cobb then he [must] be the killer.....look he had a key
12 to Cobb house.....weren't you listening ??

13 Points and authorities above incorporated herein along with these
14 for ground four

15
16 An attorney can ^{be} ~~be~~ liable to former client for actual fraud
17 if the elements are proven Frost v Hanscome(1926)198 550 559 246
18 p.53 It is an attorney's duty to protect his client in every possible
19 way and it is a violation of that duty for the attorney to assume
20 a position that is adverse or antagonistic to the client without
21 the latter's free and intelligent consent given [after] full knowledge
22 of the facts and circumstances Anderson v Eaton (1930)211 CAL 113.

23 Collateral attack on the basis of newly discovered evidence
24 only if the new evidence casts fundamental doubt upon the accuracy
25 or reliability of the proceeding. In Re Hall(1981)30 CAL.3d 408;
26 In Re Webber(1974)11 Cal.3d 703; In Re Branch (1969)70 Cal.2d 200
27 Only if the new evidence casts doubt upon the unferringly accuracy
28

1 and reliability of the proceeding at guilt phase of the hearing.
2 It must undermine the the entire case and point~~o~~ toward innocence
3 or reduce culpability People v Gonzales (1990)51 Cal.3d 1179.

4 Defense counsels incompetance resulting in failure to
5 discover and present evidence is a basis for habeas corpus if it
6 under mines the prosecutions case. The presumption that the essential
7 elements of an accurate and fair proceeding were present is not
8 ap;lllicable. None the less petitioner must establish prejudice as
9 demonstratable that counsel knew or should have known that further
10 investigations was necessary and must establish the nature and relevanc
11 of the evidence the counsel failed to present and or discover.
12 Prejudice is established if there is a reasonable probability that a
13 more favorable outcome would have resulted if the evidnece was prese
14 nted Strickland v Washington)(1984) 466 US 668 ; People v Gonzales
15 supram 51 Cal.3d 1179,

16 None the less petitioner must establish as a demonstratable
17 reality not simply speculate as to the effect of error, or omission
18 of the counsel (citation) Petitioner must demonstrate counsel knewe
19 or should have known that further investigations was necessary and
20 muyst establish the relevance and nature of the evidnce counsel fail
21 to present or discover People v Williams(1988)44 Cal.3d 883.

22 Ignorance of the laws and responsibilities was not this
23 counsels only fatal flaw which denied petitioner his right under the
24 sixth amendment and ineffective assitance claims are better address
25 unde r habeas collateral attacks, rather than direct appeal. even
26 though in petitioner direct appeal the court recognized the incomp
27 etance (COA 14). Since the record of appeal often does not fully
28 illuminate the reasons for trial counsels actions or omissions

1 However in cases such as this those facts could have been
2 hidden or withheld where counsels explanation for the poor performance
3 an issue which should be considered here rather than on direct appeal
4 People v Mendoza Tello, (1997) 15 Cal.4th 264; In Re Jones (1996) 13
5 Cal.4th 552. Further the Court in this case heard a motion for new
6 trial where competence of counsel was at issue and in that hearing
7 the Court relied on the counsels performance inside the courtroom
8 which was ~~not~~ incorrect by prejudice on petitioner for the case
9 had not been investigated at all much less sufficient to make the
10 much needed and required decisions that would have protected petitioner
11 ~~xxxx~~ rights. Under the sixth amendment of the United States consti-
12 tution and article I section 15 of the California constitution a
13 criminal defendant has the right to assistance of counsel "An accused
14 right to be represented by counsel is a fundamental component
15 of our justice system. Lawyers in criminal cases are [necessities
16 and not luxuries]. Their presence is essential because they are
17 the means through which the other rights of the person on trial
18 are secured. Without counsel, the right to a trial itself be "of
19 little avail" United States v Cronin (1984) 466 US 648. This right
20 also guarantees the right to [effective] representation, not just
21 some bare assistance. McMann v Richardson (1970) 397 US 759; People
22 v Ledesma (1987) 43 Cal.3d 171 "That a person who happens to be a
23 lawyer is present at trial along side the accused is not enough
24 to satisfy the [constitutional command]" Strickland v Washington
25 (1984) 466 US 688. In other words, "because the right to counsel
26 is so fundamental to a fair trial, the constitution cannot tolerate
27 trials in which counsel, though present in name, is unable to assist
28 the defendant to obtain a fair decision on the merits" Evitts v
Lucey (1985) 459 US 387

1 The right to counsel thus encompasses "the right to effective
2 to have assistance of counsel (citation) United States v Cronin
3 supra, 466 US at pp.654 (The sixth amendment requires counsel act-
4 ing in the role as an advocate (citation)(id at p.656)
5 Generally a defendant claiming incompetence of trial counsel must
6 show both that counsel's assistance was deficient and that this def-
7 iciency performance prejudiced the case. Strickland v Washington
8 supra, 466 US 668; People v McDermott (2002) 28 Cal.4th 946. However
9 in United States v Cronin 466 US 648, The Supreme Court held that
10 per se reversal is required when counsel entirely failed to
11 [subject] the prosecution's case to meaningful adversarial testing."
12 (id at p.659) The fundamental question is whether the "[process]
13 has lost its character as a confrontation between adversaries:
14 (Id at pp.656-657) If so, then it is not necessary to demonstrate
15 actual prejudice. This exception to the prejudice requirements may
16 arise in several different contexts. [Most obvious]; the Cronin
17 Court noted "is the complete [i.e. actual] denial of counsel"
18 (Id at p.659) Of course that is only part of the issue here. But Cronin
19 Court also noted the possibility of constructive denial of counsel
20 when, although counsel is present, the "performance of counsel
21 is so inadequate that, in effect, no assistance of counsel was
22 provided" (Id at 654 fn.11) That is precisely what happened in this
23 case here. (emphasis added)

24 Because the Court "normally apply a strong presumption
25 of reliability upon the proceedings "in cases of mere attorney
26 error, "defendants are required to overcome the presumption by "Showing
27 how specific errors of counsel undermine the reliability of the
28 finding of [guilt](citation)

1 Roe v Flores -Ortega(2000)528 US 470. Where defendants
2 are actually constructivelydenied the assistance altogether
3 , however no specific showing of prejudice is required because
4 the adversary process itself is [presumptively] unreliable""(Id at,483)
5 In Cronic the defendant was indicted on mail fraud charges involving
6 ing a check kiting scheme where checks were transferred between
7 banks in Florida and Oklahoma. When defendant there retained counsel
8 who withdrew shortly after the scheduled trial date the Court appointed
9 ed a young lawyer with a real estate practice who had no trial experience
10 in jury trials, was allowed to represent the defendant, but
11 only allowed 25 days to prepare for trial

12 While the prosecutor had four and a half years to prepare
13 and review the thousands of documents to the case. The defendant was
14 convicted while the Court of appeals reversed the matter under the
15 sixth amendment that had been violated. The Court based its inference
16 on the circumstances surrounding the representation the defendant
17 received 1) Time offered to investigate and prepare 2) the experience
18 of counsel 3) the gravity of the offense 4) the complexity of possible
19 defenses and 5) the accessibility of the witnesses. The Supreme Court,
20 while reversing the lower Court decision utilized these factors.

21 United States v Cronin supra 466 US 648. The holding in Cronic was
22 reiterated by the Supreme Court in Bell v Cone(2002)535 US 685. The
23 United States Supreme Court in BELL explained that it identified three
24 situations implicating the right to counsel that involved circumstances
25 so likely to prejudice the accused that the cost of litigating
26 their effect in a particular case is unjustified(citation) First and
27 foremost obvious was the complete denied access to counsel(citation)
28 A trial would be presumptively unfair, we said, where the accused
is denied

1 is denied the presence of counsel(citation) [fn omitted]. Second
2 that a similar presumption was warranted if counsel entirely fails
3 to subject the prosecutions case to meaningful adversarial testing
4 (citation) Finally we said:.....where counsel is called upon to render
5 assistance under circumstances where competent counsel very likely
6 could not, the defendant need not show that the proceedings were
7 affected(Id at 695-96) Under Cronic and Bell prejudice is presumed
8 only under the most egregious conditions. Error by counsel may be
9 presumed in the rare circumstances when counsel actions undermined
10 the reliability of the finding of guilt, such as, when counsel has
11 repeatedly slept through a guilt phase (e.g. Burdine v Johnson, (2001)
12 262 F3d 336) counsel was intoxicated during trial (e.g. States v Keller
13 (1929)57 N.D. 645; or counsel had a conflict in interests affecting
14 the performance (~~WHITNEY~~ Cuyler v Sullivan (1980) 456 US 335

15 LACK OF PREPERATION

16 In sufficient preparation for trial may be constitutionally
17 ineffective assistance of counsel In Re Gay (1998)19 Cal.4th 771;
18 People v Polin(1998)18 Cal.,4th 297; See rules of professional conduct
19 Rule 3-110. "To render reasonable competent assistance ,an attorney
20 in criminal cases must perform critical duties. Generally the sixth
21 amendment requires counsels diligence, active participation in the
22 proceedings, knowledge, and understanding of the laws and a duty to
23 diligently investigate carefully all defenses of fact and law that
24 may be available to the defendant.(citation)This includes conferring
25 with the client [without undue delay] and as often as necessary to
26 elicit matters of defense(citation)People v Pope, supra 23 Cal.3d
27 412;People v Berryman (1993) 6 Cal.43th 1048. Wiggins v Smith
28 (2003)539 US 510 (That adversarial testing required thorough

1 investigations, describing the significance of those investigations
2 before making critical decisions. In this case there was no request
3 for DNA funding through P.C. 987.9, hence all DNA in this case was
4 therefore prejudiced for failure to challenge its values and integrities
5 as well as all the DNA qualified evidences that were not presented
6 in this case that were relevant and material. Rompilla v Beard(2005)
7 545 US 374; In Re Cox(2003) 30 C4th 643, where investigations showed
8 that testimony would have been impeached

9
10 ANALYSIS OF COUNSELS INCOMPETANCE
11

12 Bringing the Court focus on the DNA that was presented in
13 this case. (RT317 criminalist Jones who stated that solid surfaces
14 would carry DNA possibilities. That he did not examine the watchband
15 pin, and the DNA matched to petitioner was the result of an encounter
16 that occurred several days before the crime of murder occurred and that
17 he was certain of that finding) (RT490 Dr Saukel stated that there
18 was no physical or scientific evidences Rita Cobb had been raped, and
19 that the DNA matching petitioner was the result of an encounter that
20 occurred as many as one full day before she had been killed, and as
21 many as up to one and a half full days before Cobb had been killed)

22 Neither of these experts were contested, standing this
23 FACT inside the courtroom. The other evidences in this case involved
24 the illegal intrusions into one's privacy protected by the fourth
25 amendment while a warrant for arrest was on the record. That collection,
26 although illegal had no value until the officers chose to present
27 this to the court, after that evidence had been tampered, altered, and
28 doctored to show a different result than the real time recordings.

1 The jurors were listening to the three week trial where
2 that state presented experts that verified that Rita Cobb had been
3 killed on or about September 20, 1985 by strangulation and the use
4 of a murder weapon that was rapped around her neck and twisted until
5 she turned black. These experts testified that Mrs Cobb hyoid
6 bone had been crushed and that she had a laceration on her upper right
7 outer shoulder and ribcage area. The jurors then heard that Cobb
8 had past been seen by her son six weeks before she had been killed
9 but he was the one who found her after she called him with a distress-
10 ing call that Friday before (September 20, 1985) asking for his
11 help because someone scared the hell out of her. The jurors heard
12 that Cobb was last seen at the Sullivan drinking party and that
13 she arrived at the party around 7:45 p.m drinking a bottle of bourbon
14 herself and then drank more after she finished the first bottle.
15 The jurors heard that when Bruce Nash was about to leave that he
16 offered Cobb, to drive her home, but that she refused his offer
17 so he and his wife Cynthia Hopoper left around 2100 that evening.

18 The jurors then heard contradictory testimony by another person
19 who seen Cobb at that same party and stated he remembers seeing
20 Nash giving Cobb the ride home, and that he drank while lightening
21 with her before she left the party around 2200 that evening. They
22 were also made to listen to the testimony of Francesca Sullivan who
23 stated that she remembers Cobb likeing men and went to the bars alot
24 while not telling the jurors what time she left the party.

25 The jurors heard that the state had a reliable witness
26 who seen a specific vehicle parked in the Cobb c driveway and that
27 she knew this to be a Ford Pinto and that it was silver in color.
28 They then heard how these evidences that were collected were cross

1 contaminated ~~ex~~ when they were collected by detective McCopy who
2 also took pictures of the scene, while admitting to the jurors that
3 there was a six pack of beer missing from ~~the~~ tables that he had
4 included in his sketch of the scene he made before taking photos.
5 The jurors heard greater details about how the petitioner's DNA had
6 been placed into this CODIS data base and matched him to the crime
7 scene, while being told that this DNA that was collected from inside
8 the vagina of Rita Cobb had been placed there as much as several
9 days before she had been killed to as little as one and a half days
10 before she had been killed. The jurors were told how there were
11 no fingerprints to the case, and then told that they would listen
12 to a recording and given a transcript to read along with of the
13 interview that occurred on March 8, 2009. The jurors were told
14 that this transcript was accurate to the best of the detective's
15 ability and made to listen to how petitioner lied to the cops about
16 his sexual relationship with Cobb.

17 The jurors heard the state case for three solid weeks of
18 gruesome photos of the victim's neck, hyoid bone and her dead body
19 laying on her bed with ~~her~~ legs spread and photos of a watchband
20 pin laying underneath her head and told that the expert did not
21 match petitioner's DNA to this item even though the prosecutor during
22 closing arguments stated that the expert testified it belonged
23 to the petitioner.....and still came back hopelessly deadlocked
24 after three days of deliberations. All of this above before the
25 jurors and they still deadlocked, WHY????? Because they were listening
26 to the state case, and even asked about the validity of the interview
27 as to whether it was illegal or not, and were misinstructed by the
28 Court about that !!!!!

1 While this panel of reasonable jurists were listening and
2 paying attention to [all] the evidences in the case asking who spoke
3 about Joseph Saunders at the party first, and asking
4 that testimony be read back, and then concluding they were
5 deadlocked. (see exhibit 67 pp.29) Trial counsel Sanders happen
6 to admit to all of this during another case where he not only
7 defaulted for failing to respond timely there by admitted
8 to all of these allegations by failing to respond timely to
9 that as well. (see exhibit 66) Admitting that he withheld 4700 pages
10 expecting his client to make reasonable decisions from that first
11 300 pages he released in June 2009 for the trial in 2011. Sanders
12 admitted that he never examined a) the watchband pin b) the red
13 hair c) or even authenticated the interrogation recording. He
14 admitted that he helped alter the recordings and that he scheduled
15 trial dates without having one piece of evidence tested [at all]!!!

16 David Lynn Sanders forfeited every opportunity that was
17 available to ^{his client} him by the states release to him and his clients pleas
18 for a defense providing reliable persons and evidences for his defense
19 and still made incompetent decisions to not investigate the evidences
20 in this case. While he had moved the Court eight times for continu-
21 uances for the opportunity to investigate. (see exhibit 67) In
22 fact at one point Sanders stated that he filed a motion for change
23 of venue, only the case summary is vacant, while it does show that
24 Sanders filed a faulty motion in another persons name regardign
25 two of the states critical witnesses. (see exhibit 49, 67) He
26 also filed a recusal motion in the wrong capacity as there ~~was~~ being
27 a conflict between Michael Ramois and petitioner through jail house
28 treatments which the Court denied for several reasons but mainly

1 that Sanders did not know that law either and failed to perfect
2 it by not serving the attorney general. (see exhibit 36, 37)

3 This case was reduced to less than a sham and farce,
4 it amounted to a circus where Sanders assisted in, participated
5 in, allowed and or just did not have his clients interests when
6 he;

- 7 a) failed to file change of venue when the prosecutor flooded the
8 community with prejudicial flyers right before the trial
9 (see exhibit 32, 33)
- 10 b) Deliberately withheld records from his client so that he could
11 hide his incompetence until after direct appeal (see exhibit, 3,4)
- 12 c) Made reckless and prejudicial errors to not have [anything] tested
13 in this case after he initially was told by experts that this
14 case required mandatory examination. (see exhibit 50)
- 15 d) Failed to subpoena alibi witnesses as he relied on the prosecutors
16 witnesses list allowing the prosecutor to know that Lind and Holly
17 Mitchell were expected to exculpate petitioner with alibi test-
18 imony 38)

19 The record is completely blank for trial attorneys proof
20 of competence while the case summary shows he knew to ask for
21 continuances to investigate. Had any one of these evidences been
22 presented to the jury in the capacity and volume of a thimble they
23 would have completely altered the course of the trial forcing the
24 state to abandon the charges or face acquittal, and because the
25 level of incompetence is # of such great volumes prejudice should
26 not be required. But while each of these pieces of evidence, defense
27 opportunities found the hands of Sanders, they diminished, vanished
28 and or changed into different evidences as trial counsel sabotaged,
29 traded, and conspired to force this case into a verdict of guilt.
30 Well, he would not stand in the courtroom when they announced they
31 had a verdict on February 2, 2011. Sanders did not present one piece
32 of evidence or reliable authority throughout the entire case .

1 Sanders did not do an opening statement, cheated his
2 client out of an opportunity to tell his side of the story which
3 had been blown completely out of context regarding the lies in the
4 interrogation (states theory) and about his involvement with the
5 deceased Rita Cobb. Sanders closing statement was about baseball
6 and the density of bats, while he led the jurors into history about
7 animals into the wilderness. In fact Sanders is such a team player
8 that he assisted Detective Alexander and DDA Thomas in changing the
9 trial transcripts where Alexander stated that he did not know anything
10 about any fingerprint report. (see RT 59, 29 ,) There was not one
11 thing competent about Sanders while he could not argue law with the
12 Court about facts he tried to bring into the record (Gregory Randolph
13 (Bruce Nash conversation with Cobb the night she was killed) or was
14 he able to provide one authority regarding third party culpability
15 outside the [hall theory] He forfeited petitioners right to a fair
16 trial, forfeiting rights to due process in so many ways and did this
17 with absolute ignorance of the applications of law, or rights afforded
18 the people he swore to defend. *THEN TRIED TO HIDE THESE PROCEEDINGS*

19
20
21 GROUND FIVE

22 PROSECUTOR THOMAS AND COUNTY PROSECUTOR MICHAEL RAMOS
23 VIOLATED DUE PROCESS RIGHTS AFFORDED UNDER THE FIFTH
24 AND SIXTH AMENDMENTS TO A SPEEDY TRIAL WHEN RAMOS
25 USED PETITIONERS CASE IN A CAMPAIGN SMEAR POLLUTING
26 THE ENTIRE VENUE OF JURISTS AS HE ENTERED INTO THE
27 HOMES OF EVERY REGISTERED VOTER TELLING THEM HE FILED
28 19 MURDER CHARGES AGAINST PETITIONER AND PROMISED
THEN CLOSURE IN THE TRIAL LATER THAT YEAR WHEN HE
SENT THREE RED BULLETINS INTO EACH HOME IN A ONE WEEK
TIME SPAN PLANTING PREJUDICE INTO THEIR MINDS ABOUT
PETITIONERS GUILT. *FORCING TRIAL POSTPONEMENT*

1 Trial counsel told petitioner in May 2010 that he had com-
2 pleted the investigations asking to place the case onto the calendar

3 for trial to begin. Petitioner agreed to schedule trial
4 dates ~~for~~ on April 2, 2010, being made to believe the trial would
5 begin within 60 days from that date. Thomas and Sanders scheduled
6 these dates onto the Court calendar. (see exhibit 57) This trial was
7 to begin within 60 days from that date. In May 2010 the county pro-

8 secutor had created campaign flyers that were 8 x 12 in
9 in size and red in color with the petitioners case on

10 them along with petitioners photograph that was as big as 8 X 12
11 with prejudicial comments about the prosecutors belief in the defend-

12 ant guilt as Michael Ramos promise closure in the upcoming trial
13 in exchange for votes. (see exhibits 32, 33, 57) These flyers had

14 information about the petitioners case and suggestions that they
15 had solved the crime 25 years after it had been committed. Ramos

16 then after the case had been placed onto the records to begin had
17 these flyers made to enlist (on trial later that year) into the

18 c ontaminating materials that were meant to cause pre-
19 judice on petitioner while gaining voters confidence with the trial

20 ; later that year, only trial was set to begin on June 2010.

21 Ramos then mailed into every Business, home, residen-
22 ce three separate flyers in a one week span of time beginning on May

23 13, and ending on May 20, 2010, [just days before the trial was to
24 start]. These flyers were so contaminating that their values and con-

25 tents were remembered seven months later when the trial finally began.

26 On July 12, 2010 the trial was vacated because of the campaign smear
27 by Michael Ramos that occurred on May 2010 . The trial had been vacate

28 several more times over the following months because of the

1 campaign that led to further litigation by petitioner who fought
2 for this protected right (impartial jurors) (see exhibit 35)
3 where trial counsel ignore the right and chose against petitioners
4 advice, chose to file recusal motions. (see exhibit, 36)

5 Petitioner was not given the choice to vacate this trial
6 and discussed this with his attorney, who argued that the entire
7 panel of jurists will be prejudiced. Please take notice on the

8 voir dire that occurred several months later.....they
9 were still prejudiced. While some of the jurors stated that did

10 not recall these mailers, other stated that they did
11 making comments that they believed the county to have proof of
12 guilt before they allowed these mailers to be sent.

13 Other made comments about how Yablonsky had been burnt, and other
14 made stated that when there that much smoke there must

15 be fire. Because it was the actions on behalf of the government who
16 forced the case to be vacated from trial dstarting petitioners

17 rights were violated, violating due process rights to a speedy and
18 fair trial . The repeated vacating of trial dates did not cure the

19 level or prejudice caused by this misconduct, in fact the jurors
20 came to a verdict of guilt with absolutley no evidndes to the case

21 suggesting these prejudicial flags mailed in May 2010 did the trick

22
23 Points and authorities for ground five

24 Constitutional safegaurds against post accusation delays

25 The sixth amendment provides fundamental right to a speedy trial

26 that serves to 1) Prevent undue and oppressive incarceration,

27 2) minimize anxieties and concern accompanying public accusation, and

1 3) Minimize the possibilities that long delay will impair the
2 ability of an accused from presenting a defense. U.S. V Ewell
3 ~~783~~ 383 US 116(1966); Klopfer v. N.C., 386 US 213(1967) The right
4 to a speedy trial attaches at the time of formal charge. The
5 remedy for violation of this right is to dismiss the indictment
6 and vacate any sentence that had been imposed. Strunk v U.S.,
7 412 US 514(2009)= Here the state took responsibility for the
8 April 2, 2010 conduct that they planned to obstruct the right to
9 speedy trial knowing that the campaign flyers would frustrate
10 the petitioner's ability to provide a defense against the erroneous
11 charge because there was no evidence, which was explained with the
12 November 23, 2010 altering of the evidence which was in fact the
13 [only] incriminating evidence in the state's entire case, that the
14 petitioner had lied during an interrogation about his relationship
15 with Cobb. But they took it a step further and washed the custodial
16 marker from the "COPY" they made from the three sets they had,
17 and then changed petitioner's answers so that they can place evidence
18 into petitioner's possession while the real time record
19 shows that he did not have this evidence at all. (see exhibit 49A ~~xxxx~~
20 49 of the state's evidence for case #FVI900518) By intentionally
21 presenting a ploy to begin trial they got two fold. The opportunity
22 to monopolize on the publicity of the case that had by then been
23 made infamous in an election campaign, where promises were changed
24 for votes. Then giving the state team to learn and perfect their
25 audio and technical manufacturing skills as they created evidence
26 they needed to reach a verdict of guilt. These acts were calculated
27 and deliberate with the assistance of many parties, violating
28 due process rights under the sixth and fourteenth amendments.

GROUND SIX

THE COURT ABUSED ITS DISCRETION WHEN THE COURT VIOLATED DUE PROCESS RIGHTS AND SAFEGUARDS ENLISTED BY THE EIGHT AMENDMENT WHEN THEY SENTENCED PETITIONER TO LIFE WITHOUT THE POSSIBILITY OF PAROLE FOR A CRIME THAT OCCURED WHILE PETITIONER WAS UNDER THE AGE OF TWENTY FIVE YEARS OLD PETITIONER WAS BORN ON SEPTEMBER ON THE THIRTIETH DAY OF 1963. WHILE THE ALLEGED CRIME TOOK PLACE ON SEPTEMBER 20, 1985 WHEN PETITIONER WAS ONLY TWENTY TWO YEARS OLD MAKING THE MAXIMUM SENTENCE PETITIONER SHOULD HAVE GOTTEN TO BE 25 YEARS TO LIFE FOR FIRST DEGREE MURDER

Facts of the matter

That petitioner was 22 years of age when this alleged crime took place, and even though the Court did not sentence petitioner until he was 44 years older that does not alter the language of the laws that recently passed where the Supreme Court decided that sentencing persons to a life without the possibility of parole where the crime took place when the defendant was under the age of 25 years of age to be of some diminished capacity to have knowledge and maturity regarding understanding. The Supreme determined this sentence to violate defendants eight amendment right to be free from cruel and unusual punishment under the constitution. Therefore this Court must adhere to the Supreme Court findings and reduce this petitioners sentence to the maximum term of 25 years to life, to cohabitiate the language of hte Supreme Court

POINTS

B.B. 261 PEOPLE V. FRANKLIN (2016) 63 CAL. 4TH 261, MAKING LWOP INMATES ELIGIBLE FOR PAROLE. EXTENDING THE MATURITY AGE TO 25 YEARS OR YOUNGER WHEN THE OFFENSE WAS COMMITTED MILLER V. ALABAMA (2012) 567 US 460; PEOPLE V. CABALLERO (2012) 55 CAL. 4TH 262

CONCLUSION

1
2 As a result of the allegations within this petition along
3 with the exhibits attached support that the state of california
4 violated substancial due process rights outlined by the Untied
5 States Constitution fifth, sixth and fourtenth amednemtns when
6 petitiopenr was tried for a crime that he did not commit. That
7 the prosecutor knowingly altered evidneces, withheld evidneces,
8 and coersed testimony he knew to be false and misleading. That
9 the prosecutor colluded with the trial counsel to hide these facts
10 from the state records to secure and protect this wrongful conviction
11 of a man they knew was innocent.

12 That as a result of these misocnducts petitioners substan
13 cila rights were violated, resulting in an absolute miscarriage
14 of justice ina case that held less than circumstancial evidneces
15 petitioner was the true suspect. That the prosecutor, along with
16 the sheriff department withled evidences regarding a confession
17 by gregory Randolph who left his DNA at this crime scene on Sep-
18 tember 20, 1985 when he killed Rita Mable Cobb. That Gregory rand-
19 olph then while employed asa county coroner found out that this
20 case DNA was going to produce results of his activity in this
21 case, killing himself in his Lucerne Valley trailer on June 1, 1999
22 but not until after his arrest for this case on August 10, 1988.

23 THIS ARREST WARRANT WAS WITHLED BY DDA THOMAS
24
25
26
27
28

PRAYER FOR RELIEF

1
2 1) That this Court take judicial notice of the exhibits
3 attached to this petition as state generated documents, records,
4 that are memorialized for the purpose of fact finding for this
5 case.

6 2) That this Court order the state of california to authen-
7 ticate these exhibits attached herein and admit or deny their
8 validity.

9 3) That this Court grant en evidentiary hearing for the
10 allegations within this petition, and determine whether the interr-
11 ogations recordings had actually been altered, whether the trans-
12 cripts of those recordsings had in fact been altered fromtheir
13 original content, that the DNA located on the red hair, watchband
14 pin, murder weapon, cigarette butts, victims blood actually belonged
15 to petitioner, and why trial counsel failed to investigate these
16 evidences

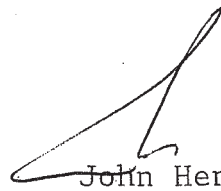
17 4) That this Court grant an order to show cause regarding
18 these allegations, and order counsel be appointed in this case.

19 5) That this Court grant habeas relief, and order the
20 trial court to resentence petitioner according to the juvenile
21 offender laws of this state.

22 6) Any other relief this Court deems appropriate in this
23 matter.

24
25
26 July ~~19~~ 2019

27 13



John Henry Yablonsky

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAMERA, 236 F.3d 568 (9th Cir. 2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

~~SUPREME COURT OF CALIFORNIA~~
~~350 McALLISTER~~
~~SAN FRANCISCO, CA~~

94102

ATCENY GENERAL
Box 82566
S.D. CA, 92101

This service contained the following documents;

HABEAS CORPUS WITH EXHIBITS

ONE OF FOUR

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

SANDIEGO

92179

CITY

ZIP CODE

This service was conducted on (DATE)

~~SEPTEMBER 20 2019~~ SEPTEMBER 20 2019

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED)



My address is 480 alta rd sandiego, ca, 92179

John Henry Yablonsky

SUPREME COURT COPY

18-147

480 Alta rd.

Sandiego, ca, 92179

SECOND SUCCESSIONAL PETITION
FACTUAL INNOCENCE

CONFIRMED COPY

SUPREME COURT
FILED

CDC or ID Number: AL0373

SUPREME COURT OF CALIFORNIA

350 McAllister

San Francisco ca,

JUL 18 2019

Jorge Navarrete Clerk

(Court)

Deputy

PETITION FOR WRIT OF HABEAS CORPUS

No.

S256961

(To be supplied by the Clerk of the Court)

John Henry Yablonsky
Petitioner
vs.
Patrick Covello (warden)
Respondent

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

RECEIVED

JUL 18 2019

CLERK SUPREME COURT

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2016). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction Parole
 A sentence Credits
 Jail or prison conditions Prison discipline
 Other (specify): _____

1. Your name: John Henry yablonsky
2. Where are you incarcerated? R.J. Donovan CDCR snadiego ca.
3. Why are you in custody? Criminal conviction Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Murder in the first degree

- b. Penal or other code sections: p.c. 187, 190.2

- c. Name and location of sentencing or committing court:

Superior Court of california
Sanbernardino county

- d. Case number: FVI900518

- e. Date convicted or committed: January 2011

- f. Date sentenced: January 2012

- g. Length of sentence: Life without parole

- h. When do you expect to be released? granting of habeas

- i. Were you represented by counsel in the trial court? Yes No *If yes, state the attorney's name and address:*

public defenders officer
14455 civoic dr, victorville ca. 92392

4. What was the LAST plea you entered? (Check one):

Not guilty Guilty Nolo contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

Jury Judge without a jury Submitted on transcript Awaiting trial

RELIEF

1. State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

SEE ATTACHED

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where).

b. Supporting documents:

Attach declarations, relevant records, transcripts, or other documents supporting your claim. (See *People v. Duval* (1995) 9 Cal. 4th 464, 474.)

c. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

7. Ground 2 or Ground _____ (if applicable):

SEE ATTACHED

a. Supporting facts:

b. Supporting documents:

c. Supporting cases, rules, or other authority:

an appeal from the conviction, sentence, or commitment? Yes No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): COURT OF APPEAL 4TH DIST

b. Result: DENIED c. Date of decision: 20-14

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

e. Issues raised: (1) _____
(2) _____
(3) _____

f. Were you represented by counsel on appeal? Yes No If yes, state the attorney's name and address, if known: _____

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

a. Result: denied b. Date of decision: 2014

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

d. Issues raised: (1) _____
(2) _____
(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal. (See *In re Dixon* (1953) 41 Cal.2d 756, 759):
trial counsel was incompetant qwitholding evidneces fromthe record

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? Yes No
Attach documents that show you have exhausted your administrative remedies. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)
 Yes If yes, continue with number 13. No If no, skip to number 15.

- 13 a. (1) Name of court: ALL COURTS OF THIS STATE AND THE UNITED STATES
 (2) Nature of proceeding (for example, "habeas corpus petition"): _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
~~COUNSEL ALONG WITH PROSECUTOR WITHHELD RECORDS, EVIDENCES, FROM PETITION THROUGH THE FIRST ROUND IN THIS CASE, AND DID NOT MAKE FULL DISCLOSURE TO PETITIONER UNTIL 2016 UNDER P.C. 1054.9 FOR LWOP INMATES DISCUSSED PAGE # 2-2 1/2~~

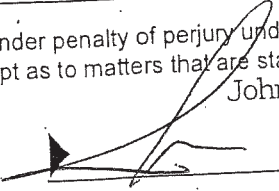
16. Are you presently represented by counsel? Yes No If yes, state the attorney's name and address, if known:

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

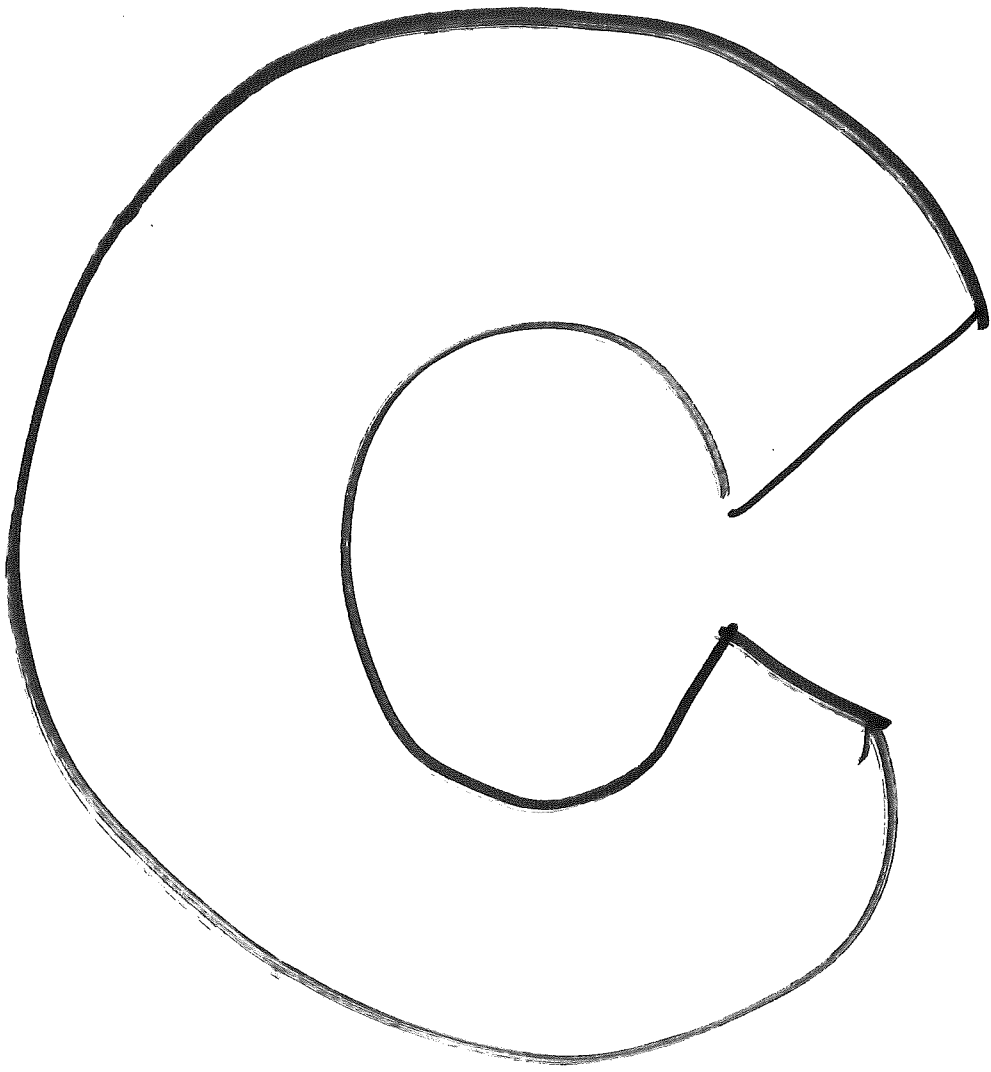
18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
This petition had been made to the lower courts

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters I believe them to be true.

July 3 2019



(SIGNATURE OF PETITIONER)



FEED
DOUBLE
SIDE

APPENDIX

C

KZ
KX
CA

SUPREME COURT
FILED

OCT 30 2019

Jorge Navarrete Clerk

S256961

Deputy

IN THE SUPREME COURT OF CALIFORNIA

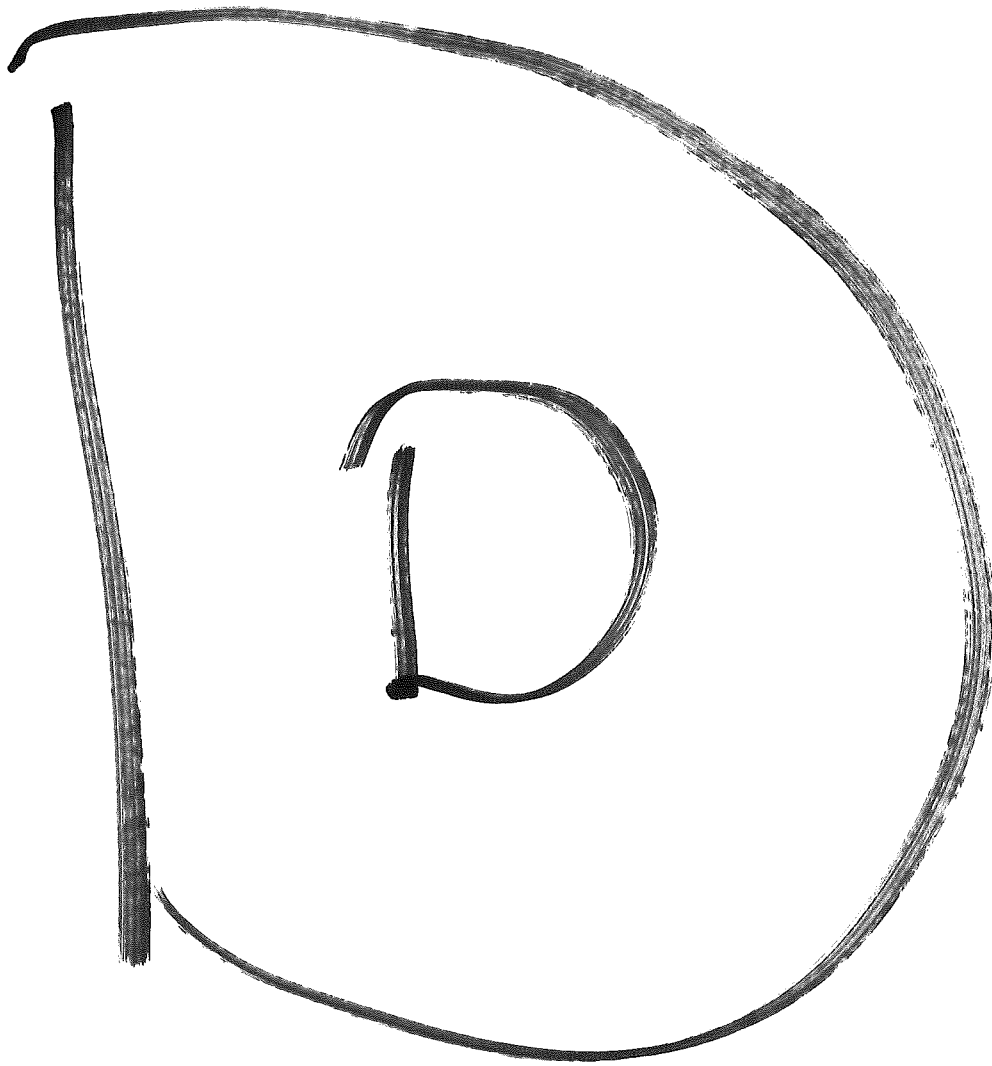
En Banc

In re JOHN HENRY YABLONSKY on Habeas Corpus.

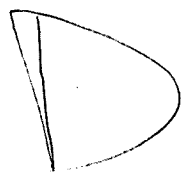
The petition for writ of habeas corpus is denied.

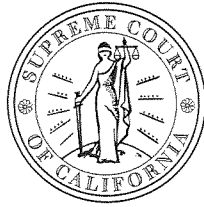
CANTIL-SAKAUYE

Chief Justice



APPENDIX





EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

November 15, 2019

APPEAL ON
D

John Henry Yablonsky AL-0373
Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

Re: **S256961 — In re JOHN HENRY YABLONSKY on Habeas Corpus.**

Dear Mr. Yablonsky:

Returned unfiled is your petition for rehearing in the above-referenced case. The California Rules of Court do not authorize such a filing when the petition for writ of habeas corpus is denied without the issuance of an order to show cause.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court


By: M. Alfaro, Deputy Clerk

cc: rec

Enclosure

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAVERA, 236 F.3d.563(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

CALIFORNIA State Supreme
350 McAllister
s.f., ca, 94102

ATTORNEY GENERAL
Box 85266
S.D. CA. 92107

This service contained the following documents;

PETITION FOR RECONSIDERATION (en banc)

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

Sandiego

92179

CITY

ZIP CODE

This service was conducted on (DATE)

11/9/19

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) John Henry ayblonsky

(SIGNED)

My address is

480 alta s.d.ca.92179

RECEIVED

NOV 15 2019

CLERK SUPREME COURT

1 John Henry Yablonsky AL0373
2 18-147
3 480 Alta rd
4 Sandiego,ca,92179

5
6 CLERK OF THE COURT
7 FOR THE SUPREME COURT OF
8 THE STATE OF CALIFORNIA

9
10 In Re John Henry Yablonsky; § CASE # S256961
11 On Habeas Corpus; § Trial# FVI900518
12 Superior Court of California
13 County of Sanbernardino

14 § NOTICE OF MOTION AND MOTION IN SUPPORT
15 OF PETITION FOR REHEARING/
16 RECONSIDERATION (EN BANC) REGARDING
17 CALIFORNIA USE OF FALSE/MANUFACTURED
18 EVIDENCE TO SECURE RECONVICTION

19 § The Honorable Justices of This Court

20
21 TO; THE HONORABLE JUSTICES OF THIS COURT

22 On September 20, 1985 a person was killed. On March 8,
23 2009 state of California filed charges alleging that John Henry
24 Yablonsky (Petitioner) had committed this crime. On January 2011
25 a panel of jurists found true that petitioner had been responsible
26 for the crime of murder, relying in thier decision the use of false
27 manufactured evidneces which were intentionally and deliberately
28 created by state employees, known as Deputy Sheriff Robert Alexander,
and DDA John Thomas. This was the [ONLY] evidence used to convict!

EN BANC-1

1 Facts relating to a)misconduct b) Breach of fiduciary
2 duty by counsel and prosecutor as well as sheriff personnel had
3 become available after P.C. § 1054.9 motions for discovery were
4 made available on January 2016. Five years after the trial results,
5 and two years after this Court made a decision regarding collater-
6 al attacks. Petitioner filed second successive habeas vehicle timely
7 after The United States Supreme Court denied Certiorari ~~ON 2018.~~

8 *AUGUST 25, 2017 (U.S. SUP. CT. #16-8771)*
9 The Superior Court judge in SanBernardino argued that this
10 petition was too late. An egregious ruling for three reasons.

11 First, petitioner had been diligent in [trying[] to develop
12 develop these facts now presented here through the use of statute,
13 which was not fully complied until five years after trial, while
RELEASING THE FILE IN 2016 AND THESE RECEIPTS REVIEWED WHILE
14 The Suopreme Court retained jurisdiction. This file contains 5400
15 pages

16 Second, petitioner was made to cross reference with, auth-
17 enticate with, and validate with records that had been piece mealed
18 by trial counsel for over seven years. Initially giving 300 pages
19 in June 2009, another 1300 pages in 2011(after the injury occured),
20 another 1600 pages in 2014 after this Court ruled on habeas grounds,
21 then a final release of 5400 pages along with compact disc which
22 carried an audio version of the interrogation. This process took
23 time, and reasonable efforts to authenticate the audio with text
24 transcripts ina 136 page transcript thatw as allegedly created on
25 November 23, 2010. One year before trial. Six years before this
26 record was made available. *PROVING FALSE EVIDENCE WAS USED*

27 Third, petitioner is an inmate forced into absolute minimal
28 access to research materials, vehicles where laws, rules, and statutes
29 can be found in the prison law libraries, while petitioner suffered
30 visual impairments

QUESTIONS FOR THIS COURT

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- 1) Does the state of California recognize federal laws regarding the knowing use of false evidence ?
- 2) Is it the intention of this Court to ignore logic when it comes to evaluating newly discovered evidence regarding who committed the crimes?
- 3) If your prosecutor knowingly used false evidence he himself manufactured, helped manufacture, coerced the negative results of this false evidence, wouldn't it be in the interests of California to investigate such an allegation if it was supported by tangible state generated records ?

EVIDENTIARY FACTS OF THIS CASE

1
2 1) Petitioner was intimately involved with Rita Mabel
3 Cobb from one and half days before her murder, to several days before
4 she had been killed. This facts has never been disputed. (RT317)
5 (Criminalist Donald Jones)("That several days had passed after she
6 had sex with petitioner before she had been killedthat he
7 was certain of this information")(RT490)(Pathologist Dr. Bill Saukel)
8 (That at least one and a half days had passed after petitioner had
9 sex with the victim before she had been killed"(That there is no
10 tangible or scientific evidence the victim had been raped")
11 (exhibit 51)
12

13 2) That petitioner had been interrogated for 3½ hours
14 in two separate locations outside MIRANDA. Petitioners home and
15 the police station. This interrogation was recorded on march 8, 2009
16 and transcribed on November 23, 2010. As states exhibit 49A the
17 113 page transcript. As states exhibit 49 the compact disc, copy
18 of the audio recordings. The 113 page transcript was shown to jurors
19 through audio and visual aids regarding the guilt phase. Answers
20 by petitioner regarding whether he had a key to the victims home
21 were altered from saying, "NO" I DID NOT HAVE A KEY ", to saying
22 "UM, YEA" whether petitioner had a key. The altered answers in audio
23 and text matched. "UM YEA". States exhibit 49A (exhibit 42) shows
24 the altered text in the transcript. States party placed these altered
25 and unaltered records into the states exhibits as exhibit 49 and
26 49A. (exhibit 43) DDA Thomas admitted that he had to take this
27 recording home so that he could alter it so that it sounded good.
28 (exhibit 41) (EXHIBIT 40)

1 3) States lead investigator Sherifff Robert Alexander
2 gave unreliable and evasive testimony during trial regarding;

3 i) The authenticity of a transcript he created from
4 an audio recording of an interrogation swearing
5 it was accurately transcribed, knowing he changed
6 petitioners answers from saying "No" I did not have
7 a key to the home of Rita Cobb" to saying "Um, Yea"
8 I had a key to the home of Rita Cobb". (exhibits 41,
9 42, 43, & 40)

10 ii) The existance and contents of a fingerprint report
11 which had been collected on September 23, 1985.
12 (see exhibits 29, 59)

13 These testimonies were less than truthful and were
14 related to facts regarding "who committed this crime". The answers
15 givin by state actors were false, misleading, evasive and are directly
16 related to probative values of facts, evidences regarding who comm-
17 itted the crime of murdering Rita Mable Cobb on September 20, 1985.

18 The fingerprint report shows that petitioner was not
19 at the crime scene in the days before the murder of Mrs Cobb. Alexander
20 told trial counsel;

21 i) He was not sure who's prints were located at the
22 Rita Cobb murder scene (RT518:10-12) Stating he
23 was not sure any fingerprints were developed.

24 ii) That he read the fingerprint report, but that
25 he dont remember all the names(RT518;14-16)

26 iii) That he remembers a glass on the kitchen counter
27 which had a fingerprint on it. (RT518;17-19)

28 iv) That he had seen all the evidences to the Cobb
 case. (RT518)

1 This information was misleading, confusing and inconsistent
2 to the historical truth, that a fingerprint report was created
3 on September 23, 1985, with results that matched; (exhibit 29)

- 4 i) Rita Mabel Cobb
5 ii) Joseph Saunders

6 Jurors were misled about the nature of this report, the
7 contents of this report as a state investigator gave testimony
8 about inculpatory evidences. The prosecutors closing argument supported
9 the confusion by telling the jurors that "NO FINGERPRINT EVIDENCE"
10 was presented in this case." (see exhibit 59)

11 Investigator Alexander is the party who authenticated
12 the audio text transcript shown to the jurors, when he knew these
13 records were inaccurate. (see exhibits 40, 41, 42, & 43)

14 CAPITOL LETTER REAL TIME QUESTIONS AND ANSWERS

15 lower case letter altered version of question and answers

16 (exhibit 42, page 4 lines 22-23 compared to state exhibit 49
17 (at one hour seven minutes and fifteen seconds.)

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

19 JY- Um, yea.

20 VERSUS

21 GM- OK, DID YOU GUYS ALSO HAVE A KEY TO RITA'S HOUSE ?

22 JY- No.

23 This was whether petitioner, a person who did not live
24 with Rita, had moved out two to three months before she had been
25 killed, now after altering the transcripts and audio indicate some-
26 one that is not suppose to have a key, had one.

27 4) That states leading witness Bruce Nash who had been
28 interviewed several times before the trial, had been one of the

1 last coherent people to have seen her alive, spoke to her, and in
2 all statements prior to trial gave consistent information;

3 i) That Rita Cobb arrived at Mini Springs Ranch where
4 John Sullivan and Francesca Drake lived for a party.

5 ii) That Rita arrived around 1930-1945 (CT117) drinking
6 a bottle of Bourbon and stayed at a party where Francesca
7 Drake, John Sullivan, Cynthia Hooper, and Rita Cobb
8 partied until about 2145 hours. That when Bruce and
9 Cynthia left they left Rita there drinking with Sullivan.

10 iii) That prior to Bruce and Cynthia leaving they noticed
11 Rita had been more drunk than usual and offered to
12 drive her home, while Cynthia followed in her car.

13 iv) That Rita Cobb rejected the offer to drive her home,
14 because she was not ready to go home, because she was
15 thinking of going to a bar called the Zodiac Lounge
16 instead.

17 v) That when Bruce was rejected, he and Cynthia left
18 Rita at the party with Francesca, and Sullivan. That
19 Sullivan had already fallen asleep which was why Bruce
20 felt the need to leave. He was Sullivan's friend

21 *OTHER WITNESSES STATED*

22 vi) Cynthia Hooper never made statements to police, or
23 at least there are none available.

24 vii) Francesca Drake stated that Rita stayed at the party
25 until around 2345 hours. (see exhibit 14)

26 viii) That last statement made by Bruce Nash was to Detective
27 Myler on 3/12/09 where he "confirmed" all other state-
28 ments made over a period of 25 years. That Cobb was
drunk, refused to be taken home, that she was not going
home and was going to a bar called the Zodiac(exhibit 13)

1 When Burce Nash testified for the state regarding the
2 last known conversation anyone had with Rita before she had been
3 killed was that she arrived at the Sullivan drinking party on Sep-
4 tember 20, 1985, arrived drinking, drank more while there and refused
5 his offer to take her home. Nash then gave coerced, suborned test-
6 mony that he believed "Rita Cobb to have been headed home" after the
7 party." (RT417:15-27)

8
9 5) That the state knew Gregory randolph had been more
10 than a mere suspect in this case, not only due to his peculiar be-
11 havior around dead women while he worked as a county coroner, but
12 that he had confessed to this crime while at a party on 8/5/88.
13 The report was made to WE-TIP on 8/6/88. (CT326)(exhibit 15) The
14 confession report was not vague, but yet included facts related
15 to intent, location, and method of the crime committed to Rita Cobb
16 on September 20, 1985. What made this confession so magnificent
17 was that Gregory randolph who confessed stated that he met Rita
18 at a bar called the Zodiac Lounge Friday night. (September 20, 1985)
19 There would be no way for Randolph to have known that this was
20 the last known destination Rita had stated she was going when she
21 told Bruce Nash this on 9/29/85 around 2145 hours.
22 Gregory Randolphs confession was logged in the SanBernardion she-
23 riff department and assigned to Deputy Carr. (CT326) Detective
24 Palacios made a site visitation to Randolphs home on August 9, 1988
25 just three days after the confession was reported. (CT219) Upon
26 site review, the detective found probable cause because of several
27 factors determiend by the detective to get an arrest warrant for
28 the murder of Rita Mabel Cobb who had been killed on September 20,
1985.

1 Because of the suspicious nature of Randolphs employment
2 as county coroner for SanBernardion,sheriff assigned a code name
3 for this confession suspect, naming Gregory Randolph as William
4 Backhoff.(William Roger Backhoff) As a direct result of an affidavit
5 filed by Sheriff Polacios regarding Randolph/Backhoff, Backhoff
6 was arrested for the murder of Rita Mabel Cobb who had been killed
7 on September 20, 1985 after she left a drinking party .(see exhibit,16)

8 Backhoff was red headed, lived alone, worked as a county
9 coroner,and was also suspect to another murder that involved an
10 woman who had been killed a few month prior to the Cobb Murder.
11 His DNA was located at the Cobb scene. (CT 751)(CT753)(CT378-79)
12 Prior to filing a information for this murder on Backhoff, he committed
13 suicide on June 1, 1999. (CT357). Backhoff confession was satisfied
14 as an exception to hearsay because of the results of the confession;

- 15 i) Investigations
- 16 ii) Arrests resulting from sworn declarations
- 17 iii) Special investigations as a suspect to the Cobb murder

18
19 DDA FERGUSON RESPONSES TO THESE ALLEGATIONS
20 MADE AT FIRST FILING OF HABEAS
21 FILED IN 2012 WHCSS1200311

- 22 1) That inconsistant statements are not synonomous to
23 perjury, without more petitioner habeas should be
24 denied. WHCSS1200311 File in 2012
- 25 2) That because petitioner cannot prove William Backhoff's
26 hair was red, his argument should fail., without more
27 habeas should be denied.
- 28 3) That collusoray allegations regardindg manufacturing
of interrogation transcripts is insufficient, petitioner
is faced with the burden to provide proof. Although
states exhibit 49A(the 113 page transcript) was used
by the jurors to determine guilt. While petitioner
admitted to having a key to the victims house

1 4) That just because another mans DNA was located inside
2 the bedroom does not mean they killed anybody, regarding
3 the red hair with the roots attached located on a nude
4 body that had been killed.
5 Petitioner is faced with a heavy burden to show how another
6 persons DNA located at this scene would have changed
7 the decisions of the jurors.

8 THE ATTORNEY GENERAL ARGUED THIS EXACT SAME

9 SUPERIOR COURT RULING

10 ON OCTOBER 9, 2018

11 SECOND SUCCESSIVE INNOCENCE CLAIM

12 The Superior Court made an absolute erroneous ruling
13 regarding a factual innocence claim based on newly discovered evidence
14 which became developed five years after the trial and through a
15 manifest barrage of fact development efforts by petitioner who was
16 visually handicapped. While the United States Supreme Court retained
17 jurisdiction. The Superior Court ruled erroneously because;
18 (see exhibit A)

- 19 1) Although the petitioner filed several IAC claim the
20 Court relied that the appellate record was not used
21 to develop these arguments ((Case#EO55840) Ruling
22 facts which are under collateral attack based on
23 Newly discovered evidences as factual innocence. This
24 is the purpose of collateral attacks, to correct mani-
25 fest miscarriages of justice. Notice ground three and
26 four of the petition.
- 27 i) Failure to examine DNA on red hair with root
 - 28 ii) Failure to examine DNA on murder weapon
 - iii) Failure to examine DNA on watchband pin
 - iv) Failure examine blood smears on bedroom jamb
 - v) Failure to examine DNA on cigarette butts in
common area of the home, which had already
been determined to belong to Gregory Randolph
who had confessed to this crime

THE COURTS RULING WAS ABUSE OF DISCRETION

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2) The Court ruled regarding petitioners DNA collected from sperm that had been located inside the victim. As described earlier in this petition as well as exhibits (51) That petitioners DNA was not a factor regarding who committed the crime. Both states experts testified petitioners DNA was older then the murder by (RT317- several days-Jones) (RT490- at least 1½ days-Saukel) Relying on this DNA alone was insufficient to place petitioner at the scene at the time the murder occurred.

3) The Court acknowledge that there was a weapon which would have been DNA magnificent, which was the premice of IAC claim regarding the testing of these items which trial counsel staated he was going to test yet refused to ---

4) The Court refused obligation under Writ of Error Coram Nobis which derives the ability to challenge the facts of a case pursuant to P.C.§ 1265(a) Which explains the factual innocence claim based on newl discovered evidnece pursuant to S.B.1134 and 1909

5) The Court severely abused its discretion when stating that just because these facts were not made avaiable at the first filing of the habeas that petitioner was pro-cedurtally barred. Ignoring the plethora of fact developing efforts known as dilignece, ignoring logic of "NEWLY DISCOVERED EVIDENCE" admitting that these facts became available after December 2015, three full years after the initial filing of habeas.

6) The Court acknowledge the new laws regarding the use of false evidences under 1909 and 1134 arguuing that petitioner had not adequately explained why these claims were piece mealed, ignoring the P.C. § 1054.9 filing in 2013/14 which unlocked the stronghold trial counsel hid these records.

7) The Court admitted that these issues pertained to arguments that were under direct appeal, yet neglect to consider that the evidences now before the Court were not mentioned, implied, or used in determining the direct appeal, or could have been part of the direct appeal, implying that a) if these records were not avaiable at the appela level, that newly discovered evidences would support this piecemeal b) That if these evidnceez were available at direct appeal, then Appellate Ineffective assitance of counsel laws apply.

The Court did not argue that these facts became newly discovered to petitioner until January 2016 five years after trial, then one could infer the Cour was prej- u
dicially refused to hear any argument irregardless of
their merits. Nor did the court deny prima facie standing.

- 1 8) The Court admits there is an exception to the piecemeal
2 that these arguments could have been brought, and if so
3 would have been meritorious, yet ignores the facts that
4 these records were hidden from petitioner from the very
5 beginning of the case, throughouyt the case, and not until
6 years after the case had been closed. Admitting that peti-
7 tioner had developed these through probing vehicles
8 as outlined in exhibits (Exhibits 1-10)
- 9 9) The Court admits petitioner did not get discovery until
10 2016, and is actually innocent according to the petition
11 before the court.
- 12 10) The Court then erroneously argues that because 21 months
13 had passed since the release of these discoveries, that
14 the petitioner took too lleng. Ignoring that The United
15 States Supreme Court retained jurisdiction until the end
16 of 2018, just months prior to the filing of this petit-
17 ion in the lowest court possible. Arguing that petitioner
18 is too late. Ignoring laws regarding factual innocence
19 claims, Writ of error coram nobis, laws statutes surrounding
20 factual innocence under Schulp v Delo, In Re Miles, ,
21 People v Gonzales, In Re Reno.
- 22 11) The Court ignorantly found that vehicle under P.C. §1405
23 were filed arguing factual innocence was the basuis for
24 a second successive petition. Petitioner had to file
25 that post trial vehicle in two seperate courts under
26 case No.# ~~Unavailable~~ S227210/S226670
27 The purpose of P.C. 1405 was to gather DNA facts related
28 to the convioction regarding who committed the crime.
DNA belonging to someone other than petitioner on the
i) murder weapon
ii) Red hair with entire roots attached on the nude body
iii) The watchband pin located under the victim
iv) The blood smears on the bedroom door jamb
v) The cigarette butts located in the dioning area of
the house where only eight butts were located in a
smokers house. (suggesting newly placed)
- 12) The Courtr admits that the petition surrounded the use
of false evidnece, while the Court had acopy of the original
interrogation recording to validate that the prosecutor
had in fact manufactured evidnece
- 13) The Court egregiously argued that petitioner did not
even [approach] the high bar set out by the Supreme Court,
acknowledging the federal laws regarding factually innocent
petitioners providing bnely discovered evidnece
- 14) Last but not least the Court ignore fiduciary duties
when the Honorable Judge Tavill ignored all common sense
when reviewing the petitioners claim founded on the
i) Newly discovered evidences now available
ii) That state actors actually used false evidnece to
coerse the verdict

THE SUPREME COURT
ACKNOWLEDGES FACTUAL INNOCENCE CLAIMS

1
2
3 The Supreme Court has repeatedly found factual innocence
4 claims must be addressed at the lowest Court regarding whether the
5 petition filed, the records supporting the petition if true would
6 afford petitioner relief. Sanders v United States 371 U.S. 806 "That
7 unless the petition and records clearly and conclusively show that
8 the petitioner is entitled to no relief, a prompt hearing must be
9 considered."(373 US 1,4) "The statute in terms requires that a
10 prisoner shall be granted a hearing on a motion which alleges sufficient
11 facts to support a claim for relief, the motion and the files and
12 records of the case 'conclusively' show that the claim is without
13 merit"

14 The Court held that so long as the petitioner had full
15 opportunity to offer proof...of the ground in successive petition,
16 good faith required that he produce them then. To reserve proof
17 for the use in attempting to support a later petition, if the first
18 failed, was to make an abusive use of the writ of habeas corpus.
19 Admitting the possibility of neglect, omission, misconduct, incom-
20 petence may have been the reason for the delay. The Court then
21 held, "If the government chooses not to deny the allegation of
22 [known use of perjured] testimony or to question its sufficiency
23 and desires instead to claim that the prisoner has abused the writ
24 of habeas corpus, it rests with the government to make that claim
25 with clarity and particularization in its return to the order to
26 show cause(Id at 292)"The Court reasoned that it would be unfair
27 to compel the habeas applicant, typically unlearned in the law and
28 unable to procure legal assistance in drafting applications with merit.

1 Finally the Court held that successive petitions heard
2 must consider the controlling weight to the denial of prior applic-
3 ations for relief only if ;

4 1) The same ground presented in the subsequent applicat-
5 ion was determined adversely to the applicant on the prior application.

6 2)The prior application was on the merits, and

7 3) The ends of justice would not be served by reaching
8 the nmerits of the subsequent application(373 US , 1, 16)

9 The Court held that "if the prior denial must have rested
10 on an adjudication of the merits of the ground $\frac{1}{2}$ presented in the
11 subsequent applications. (see Hobbs v Peppersack, 301 f2d 875(C.A.4th
12 cuir 1962) Thsi emans that if the factual issues were raised in
13 the prior application, and it was not denied on the basis that the
14 files and records conclusively resolved these issue, thjat an evident-
15 iary hearing wa sheld. Even if the same gground had been rejected
16 on the merits of the prior application, it is open to the applicvant
17 to show that the ends of justice would be served by permitting the
18 redetermination of the ground. If factual issues are involved,
19 the applicant is entitled to a new hearing upon the showing that
20 the evidentiary hearing in the prior application was not full and
21 fair.(373 US 1, 17)Townsend v Sain, supra,

22 *MCCLESKY V. ZANT 499 US 467 (1991) TEAGUE V. LANE, 489 US 288 (1989)*

23 PETITIONER INITIAL HABEAS FILING
24 SUPERIOR COURT OF CALIFORNIA
25 RULING BY HONORABLE JUDGE KYLE BRODIE
26 (exhibit 57)

27 "The resolution of the petition is complicated by several
28 reasons, most s ignificantly that petitioners appeal was still pending.

1 The Court therefore does not have available (for example)
2 the Court distillation of the facts["] of petitioners cases" The Court
3 denied the case based on the following merits;

4 One, That the Court did not retain jurisdiction regarding
5 the county distriuct attorney use of petitioners case ina re-election
6 campaign smear

7 Two, That the interrogations were shown to the jurors
8 regarding altered evidnece. "There is nothing to suggest any eivdence
9 was altered by the prosecutor, petitioner ebars the burden [heavy
10 burden to plead sufficient facts for relief". Collusory allegations
11 are unsupported by the facts stated with particularity

12 Three, That ineffective assistance of counsel regarding
13 DNA evidnece evolves over DNA. That in order to establish entitlement
14 to relief petitioner must demonstrate deficient performance pre-
15 judice. Admitting petitioners DNA is older than the case based
16 on consensual sex by over a day. That speculatuions of other testing
17 copuld have been conducted, or thatanother man's DNA was also present,
18 but "EVEN IF THAT WERE TRUE(AND IT BEARS REPEATING THAT THERE IS
19 NOTHING IN THE PETITION OR EXHIBITS DEMONSTRATING THAT TO BE SO),
20 petitioner is still faced with evidnece he had had sex with the
21 victim. Regarding the allegation of William Bac khoff, the trial
22 court excluded this evidence as hearsay.

23 Four, That petitioner claims of prosecutorial misconduct
24 regarding the use of eprjured testimony. That the respondents stated
25 the only document included into appellate record is a fingerprint
26 report. To the extent of prosecutorial misconduct this Court lacks
27 jurisdiction.

28

1 "That petitioners assessment of the impact of those
2 fasle statements does not demonstrate that fasle evidnece was shown
3 to the jurors"

4 Five, That petitioner was not read MIRANDA rightys when
5 interogated. That the Court lacks jurisdiction.

6 Six, That insufficient evidnece was introduced at trial.
7 This is not vcognizable under Habeas.

8 Seven, That state parties conspired to alter evidence.
9 Given the DNA evidnece linking petitioner to the murder, and the
10 fact he admitted to having possession of a blue pinto, there is
11 no basuis to conclude that further efforts to shwo what the officers
12 did or did not do believe regarding the use of his ~~xxx~~ car would
13 have resasobnable changed the trial outcome. Collusory allegations
14 are insufficient , that manufactured evidndce is not cognizable
15 under habeas reilief.

16 Eight, That ineffective assistance of counsel based on lack
17 of investigations was not adequeately shown, becausae petitioner
18 did not show how further investoigations would have altered the
19 trial outcome.

20 Nine, That trial counsel failed to object at the use
21 of false eviudnece. That presumptions are not overcome. That failure
22 to opbject to even inadmissible evidnece is ultimately a tactical
23 decision

24 Ten, That the trial court abuse discretion for motion for
25 new trial shoudl be. litigated on direct appeal.

26 Eleven, That petitioens Marsden motion was prejudicially
27 denied. This court lacks jurisdiction.

28 Twelve. That petitioner was not afforded opportunity to

1 be present at all stages of the proceedings. This Court lacks juris-
2 diction..

3 The summation of the Superior Courts rulings on the twelve
4 grounds was that petitioner had not presented enough evidence to
5 support his claims. None of those evidences were made available
6 until January 2016 five years later. Those evidences are now avail-
7 able here, and would have affected the manner which the Court ruled
8 then. Petitioner vehemently argued otherwise. (exhibit 55) One
9 must then believe that because the facts were available without
10 supporting documentation the Courts hands were tied, while repeatedly
11 arguing the Court lacked jurisdiction to rule.(exhibit 57).
12 Therefore the trial court would have ruled differently had these
13 records been made available at the time the first habeas corpus
14 was filed in 2012. (see exhibit 42) (different transcripts from
15 the same case, created on the same day)(Exhibit 63-Page45 of 136)
16 (exhibit 64 -Page 44 of 113)(exhibits 40, 41, 42, 43-Where prosecutor
17 admitted to altering the interrogation transcripts at his home so
18 that he could make them sound better)

19
20
21 THE COURT OF APPEAL
22 ON DIRECT APPEAL
23 (Exhibit 52)

24 Even pages 2 through 18 are related to civil rulings
25 regarding misconduct allegations. Odd pages are related to direct
26 appeal. The Court acknowledge that the DNA collected matching pet-
27 ition was at least one and a half days older then the murder which
28 occurred on September 20, 1985. (*exhibit 57-page 3)The Court recogn-
ized the Cobb case had been typed with Helen Brooks case.
(Exhibit 57-page 9)

1 The Court also admitted that third party culpability
2 evidnece existed and counsel failed to effectiuely argue this issue
3 while the prosecutor only objected on admissibility issues.

4 (exhibit 57-page 11)The Court added that "if" the confession report
5 had been brought under correct authority, such as what resulted
6 fromthe We Tip report then this evidnece would have been admissible.
7 (exhibit 57-page 14)Finding the counsel failure forfeited this
8 legal defense. Considering the fact petitioners DNA was older than
9 the actual murder itself. (exhibit 57 -page 3)

10 The Court then argued whether Bruce Nash's testimony
11 which had been squashed by prosecutors argument that his information
12 was hearsay. The Court found otherwise , that Bruce Nash'es testimony
13 about whther Rita Cobb told him she was going to a bar rather than
14 home would hav ebeen admissible "if" trial counsel knew the laws.
15 (exhibit 57-page15)(evidence code § 1250) Furhter the Court added
16 that this structural error crteated by trial counsel would have
17 allowed trial counsel to probe regarding third party culpability
18 since Backhoff admitted to picking Cobb up at the same bar Cobb
19 stated she was going the night s he had been killed. (exhibit 57-
20 page 17)This evidnece would have supported third party culpability.

21 The Court then found regarding the New Trial motion filed
22 by post trial counsel, that the motioin failed to provide reasonable
23 sequenœe of events regarding the basis of the motion. Ineffective
24 Assistance of Counsel fopr failure to investigate several DNA factors,
25 defense strtategies. (exhibit 57-pages 17-21)(emphais page 21)

26 The Court effectively recognized trial cobnsels argument
27 regarding the DNA being older then the murder. The Court of appeal
28 found the DNA evidence inconclusive in determining guilt.

1 The Court found that "petitioners DNA was at least one
2 and half days older than the murder" and that Cobb may have went
3 to another bar besides the Z odiae lounge the night she had been
4 killed. Finding that Yablonsky's DNA was not a controlling matter.
5 That (A) could have had sex with Cobb on Thursday night, and been
6 killed by (B) saturday morning!(EMPHASIS ADDED)

7 *SOMEbody ELSE KILLED COBB!!!*
8 YOU CANNOT IGNORE THAT FINDING!!!!

9 THAT PETITIONERS DNA WAS NOT A FACTOR IN THIS CASE REGARDING
10 WHO ^{KILLED} COMMITTED RITA MABEL COBB ON 9/20/85

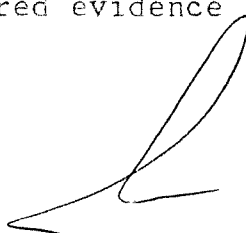
11 NEW LAWS REGARDING NEWLY
12 DISCOVERED EVIDENCE

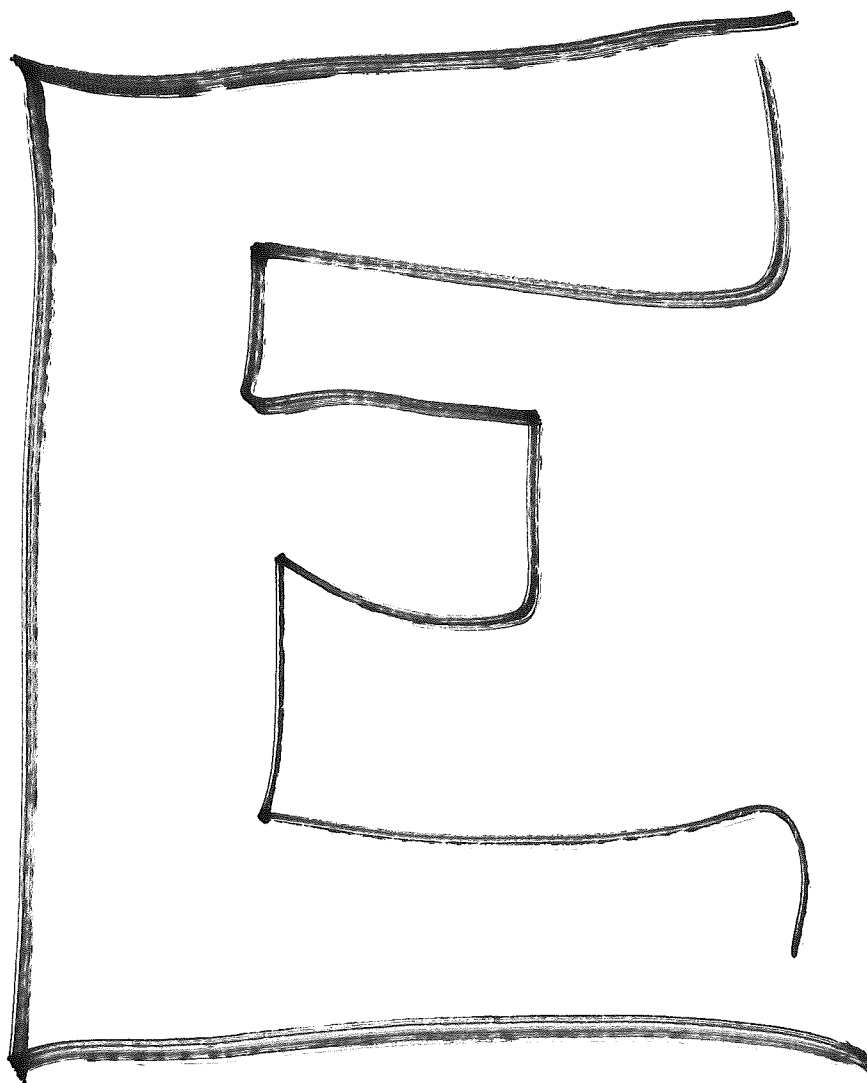
13 Because this Court as well as the trial court have ignored
14 duty to hear matters where allegations "if true" would afford relief
15 regarding collateral attacks. *PREJUDICE IS EMINENT*

16
17
18 CONCLUSION

19
20 Petitioner finds this Court has ignore logic, common
21 sense in exchange to judicial convenience. Petitioner begs this
22 Court to entertain the arguments based on the facst now before
23 the Couirt, the exhibitis presented herein and take judicial notice
24 that the state prosecutor manufactuired evidence to securte and
25 unrelaible conviction.

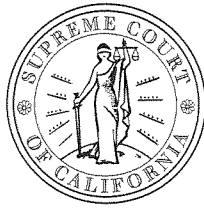
26
27
28 November 9, 2019


John Henry yablonsky



APPENDIX

E



EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

November 21, 2019

APPENDIX
E

John Henry Yablonsky AL-0373
Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

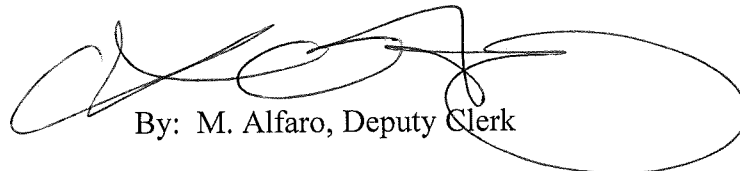
Re: **S256961 — In re JOHN HENRY YABLONSKY on Habeas Corpus.**

Dear Mr. Yablonsky:

Return unfiled is your "Motion to Amend Habeas Corpus" received November 20, 2019. The order denying your petition for writ of habeas corpus in the above-referenced matter was final forthwith and may not be reconsidered. Please rest assured, however, that the petition, and the contentions made therein, were considered by the entire court, and that the denial expresses the decision of the court on this matter.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court


By: M. Alfaro, Deputy Clerk

cc: rec

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAMERA, 236 f.3d.568(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

CALIFORNIA STATE SUPREME COURT
3650 McAllister
San Francisco, ca, 94102

This service contained the following documents;

motion to amend habeas corpus #S256961

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

Sandiego, ca

92179

CITY

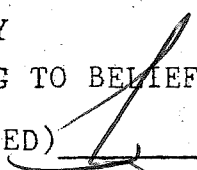
ZIP CODE

This service was conducted on (DATE) November 12, 2019

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) John Henry Yablonsky

(SIGNED) 

My address is 480 alta rd. s.d.ca.92179

480 alta rd. s.d.ca.92179

RECEIVED

NOV 20 2019

CLERK SUPREME COURT

1 John Henry yablonsky AL0373
2 480 alta rd.
3 sandiego,ca,92179

4
5
6
7
8
9 CLERK OF THE COURT
10 FOR THE SUPREME COURT
11 OF THE STATE OF CALIFORNIA

12 In Re John Henry Yablonsky, § CASE NO³ S256961
13 On Habeas corpus, §

14 notice of motion and motion to
15 amend habeas corpus adding one more
16 ground of injury as ground Seven
17 THAT PETITIONERS SIXTH AMENDMENT
18 RIGHT OF AUTONOMY WAS VIOLATED WHEN
19 TRIAL COUNSEL CHOSE TO ARGUE DIFF-
20 FERENT DEFENSE THAN WAS DISCUSSED
21 BETWEEN CLIENT AND COUNSEL PRIOR
22 TO TRIAL, FORFIETING OPPORTUNITY
23 TO INVESTIGATE AND PLACE PROSECUTORS
24 CASE AND THEORY TO ADVERSARIAL TESTING

25 Petitioner under habeas corpus rule 7 and 8 may move to
26 expand the record when facts sufficient are made available after the
27 petition had been created. Here petitioner, ~~an~~ an inmate suffered
28 miscarriage of justice of case #FVI900518 in 2011 when trial counsel
forfeited rights to challenge the state case with reasonable dili-
gence. Prior to trial counsel and client discussed defense mechanisms
to place states case to adversarial testing . These defenses were
available, and promised by trial counsel to have examined;

RYAN V. MARTINEZ - BRACY V. GRAMLEY - HARRIS, SUPRA 394 US AT 296
1) The interrogation recording AUTHENTICATE RECEIVED

AMEND HABEAS-01

NOV 20 2019

CLERK SUPREME COURT

1 2) Hair that had been located on the victims torso which
2 had the entire roots structure in tact.

3 *THE HAIR WAS RED, PETITIONER IS BLONDE.*

4 3) The murder weapon used to kill Rita Mabel Cobb

5 *3 1/2) CIGARETTE BUTTS LOCATED IN SUSPECT LOCATION*

6 4) That the desk blotter located in a ~~questionable~~ location
7 under the victims bedspread which had petitioners DNA
8 located on it, for DNA belonging to another female
9 that was present at the time petitioner last had sex
10 with Rita Cobb, on or about September 18, 1985. (RT317)
11 (Several days before Cobb had been killed)(RT490)(at

12 least one and a half days before Cobb had been killed)

13 *5) SUBPOENA ALIBI WITNESSES LYNDA MITCHELL-HOLLY MITCHELL/BROWN*

14 This discussion was held while petitioner was in pretrial

15 detention and over the phone which was recorded for validation

16 by GTL John Henry Yablonsky while detained at West Valley detent-
17 ion. #0903041068 P.I.D.

18 Trial counsel withheld that there was a watchband $\frac{1}{2}$ pin
19 located under the victims head. Counsel also withheld that there
20 were blood stains on the victims bedroom door jamb which had
21 been place there by an ungloved hand in the victims blood. Counsel
22 also withheld that there were cigarette butts located matching
23 a person who confessed to the murder of rita Mabel Cobb and had
24 been arrested. Trial counsel agreed to have [all] the DNA testing
25 to this case prior to trial, which would have supported petitioner
26 was not the person who killed Rita Mabel Cobb on September 20, 1985.

27 It was not until after the trial and records had been
28 released to petitioner on March 2011 that [NO] DNA examinations
had been done at all. Post trial motion for new trial based on
ineffective assistance of counsel revealed that counsel also forfeited

1 1) Right to object to hearsay objections that prosecutor
2 erroneously argued regarding Gregopry Randolph confess-
3 ion, which led to arrest, special investigatuions.
4 *THIRD PARTY CULPABILITY DEFENSE.*

5 2) Right to know the laws surrounding the vicitims
6 last known statement to Bruce Nash which stated she was not going
7 home after the Sullivan drinking party on September
8 20, 1985 at 1145 p.m. "Counsel did not know the laws"
9 under Evid. Code § 1250 would have made that statement
10 exception to hearsay laws and would have admitted
11 to thirdpatty direct or circumstancial evidnece allowing
12 gregory randolph confession to be admitted as reliable.
13 *"INDICA RELIABILITY"*

14 3_ That trial counsel forfeited the right regarding the
15 use of false evidnece regarding the manufactured evidnece
16 of the interrogation transcript which changed petition-
17 ers answers from saying he did not have a key to the
18 victims hose to ds saying he did.

19 4) Forced petitioner to forfeit right to testify

20 As a direct result of trialcounsels choice in defense
21 stratrgies trial copunsel "never" discussed with his client as well
22 as "never" completing any of the ordinary trial investigations indicate
23 that trial counsel had waived petitioners opportunity at a fair
24 hearing regarding relevant and material facts related to who killed
25 Cobb that Saturday in September 1985. Petitioners DNA was not a
26 factor which ~~these~~ investigations would have shown, specifically
27 the DNA on the murder weapon which ~~had~~ been tied around the victims
28 neck which caused the death. During habeas arguments petitioner
was defeated with this failure to investigate strategy while the
attorney general argued that because petitioner could not prove
whose DNA was on that weapon his argument fails, adding that just
~~not have been in the hands of the victims from the~~

1 just because another mans DNA was located inthe victims bedroom
2 does not mean they killed her.

3 That maybe Rita Cobb collected watchband poins and
4 because petitiouer cannot prove that DNA belonged to someone specif-
5 ic, his argument fails.

6 That there is no proof there was any alterations to
7 the interroigatio~~n~~ recording, and collusory allegations are in=suff-
8 icient to deserve relief.

9 That because petitiouer cannot ~~pf~~rove Gregory ranbdolph
10 who confessed was a red headed man that petitioners argument fails,
11 adding that there is no proof the hair ~~was not~~ found on T&E BODY
12 WAS IN FACT RED,

13 POINTS AND AUTHORITIES

14 The holdoing of McCoy, v Louisiana (2018) 138 s.ct.1500
15 is simple. A criminal defendant has a sixth amendmen~~t~~ right
16 to dictate the untlimate goals of his defense. When defense counsel
17 overrides the defendants known wishes, by , for example, conceding
18 the results of states examinations without testing, while defendants
19 argued that he was~~a~~ innocent. The right under the sixth amednemnt
20 was violated. (Id at pp.1508-09) The error is structural , requiring
21 reversal without a showing of prejudice. (Id at 1151) The under=pin-
22 ings of McCoy are set out in details. (citationsa. McCoy discussed
23 the defendants right to ~~part~~icipate in their defense under Faretta
24 v californ~~ia~~)(1975) 422 US 806. This is because the right to~~o~~
25 defend is personal. (Id at 834) "The sixth amednemtn does ~~not~~ provide
26 merely that a defense shall be made for the accused, it grants
27 to the accuse personally the right to make his defense. (ID at819)

1 The defendants wishes for an ultimate goals are critical
2 . In Florida v Nixon(2004) 543 US 175, defense counsel believed
3 that it would be beneficial to concede guilt during the penalty
4 phase in hopes of avoiding a death penalty sentence. Defense counsel
5 explained this strategy to the defendant who was unresponsive
6 during the discussion. Neither opposing nor consenting.(Id at 181)
7 Nixon was convicted and sentenced to death. On appeal defense counsel's
8 ~~refusal to~~ concession amounted to a failure to subject the prosec-
9 utions case to meaningful adversarial testing under United States
10 v Cronin,(1984) 466 US 648 which would require a finding of
11 deficient performance and prejudice before relief could be granted.

12 The appellate court found;

13 "But certain decisions regarding the exercise or waiver
14 of basic trial rights are of such moment that they cannot
15 be made for the defendant by surrogate. A defendant, this
16 Court affirmed, has the [ultimate] authority] to determine
17 whether to plead guilty, waive a jury, testify in his behalf,
18 or take an appeal. Concerning those decisions, an attorney
19 must both consult with defendant and obtain consent to
20 the recommended course of action"

21 The Court held that in the face of the defendant's stubborn
22 ~~obstinance~~ ^{obduracy}, defense counsel could not be deemed ineffective. (Id
23 at 189)

24 "To summarize, in capital cases, counsel must consider
25 in conjunction with both the guilt and penalty phase in
26 determining how to proceed. When counsel informs the
27 defendant of the strategy counsel believes to be in the defendant's
28 best interests and the defendant is unresponsive, counsel's
strategic choice is not impeded by any blanket rule demanding
the defendant's explicit consent:


BRACY V. RAMLEY 520 US 899 (1997) HARRIS, SUPRA 394 US 297 2009
HARRIS SUPRA 394 US AT 290; MCSAELAND V. SCOTT, SUPRA 512 US AT 860
ANALYSIS

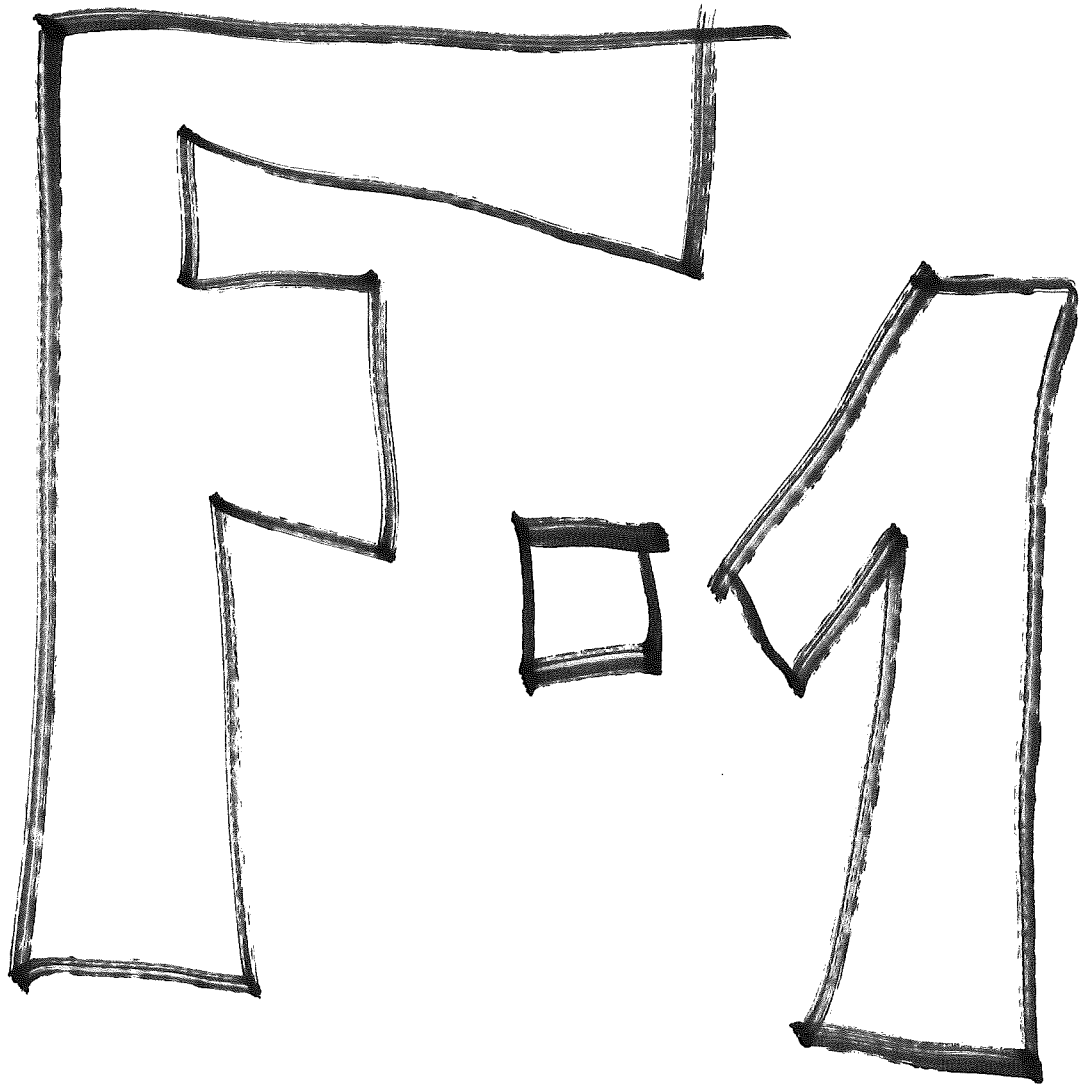
Here counsel was clearly told by petitioner that he was innocent, before he ever knew of the DNA results which ultimately cleared him by at least one and half days before the murder (RT490) and several days before the murder occurred (RT317). This would have indicated to counsel that petitioner was being truthful about the case. When petitioner demanded to see the state's entire file, instead of complying, trial counsel lied and withheld discovery from his client that plead innocence, wanted a specific defense and trial counsel without revealing the facts of the case agreed with defendant to perform specific duties. THEN DECIDED OTHERWISE WITHOUT DISCUSSING THE CHANGE OR EXPOSURE

It was not until ^{AFTER} trial, ~~and~~ post trial developments ^{REVEALED} that trial counsel not only reneged on his promise to have certain testings, but had withheld valuable defenses regarding third party defenses. Specifically since other DNA located at the scene, in the red hair, in the victims blood, on the weapon, on the watchband pin would have supported petitioners claim. It is petitioners belief that counsel as well as the prosecutor knew there was another mans DNA on these items and forfeited those opportunities to probe for merit, probative values, relevant. SUPPORTING INNOCENCE

As a result of the afore stated information petitioner moves this Court to add as ground seven these allegations and authorities hereforward.

November 12, 2019


John Henry Yablonsky



APPENDIX

F



EXHIBIT COVER PAGE



EXHIBIT

Description if this exhibit:

SUPERIOR COURT HABEAS RULINGS

WHCJS1800338

APPELLATE COURT RULING

2 PGS

Number of Pages to this exhibit: 5 Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

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FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA

OCT 30 2018

By [Signature]
Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

In the matter of

John Henry Yablonsky, Petitioner

Case No. WHCJS1800338

for Writ of Habeas Corpus

ORDER

THIS EXHIBIT
SUPPORTS FRAUD BY
DOA + ~~SHERIFF~~
SHERIFF

Petitioner John Henry Yablonsky filed a petition for writ of habeas corpus on September 13, 2018. This Court denied it on October 9. Two weeks later, this Court received a motion to file a compact disc, which includes a compact disc purportedly containing an audio recording used as an exhibit in Petitioner's trial. This Court informed Petitioner the next day that, as the case was closed, the Court could not reconsider its decision based on the disc. The day after that, Petitioner filed a petition for rehearing.

"An order denying a petition for writ of habeas corpus in the superior court is final immediately upon its filing, and review of the order can only be had by the filing of a new petition in the Court of Appeal. [Citation.]" (*Jackson v. Superior Court* (2010) 189 Cal.App.4th 1051, 1065, fn. 5.) As this Court denied Petitioner's petition for a writ of habeas corpus, this case is now closed and this Court may not reconsider its decision. To the extent Petitioner is seeking review of this Court's decision, he must file a new petition with the Court of Appeal.

The petition for rehearing is DENIED.

Dated: October 30, 2018

[Signature]
Hon. Gregory S. Tavill
Judge of the Superior Court

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re JOHN HENRY YABLONSKY

E071880

on Habeas Corpus.

(Super.Ct.Nos. FVI900518,
WHCJS1800338 &
WHCSS1200311)

The County of San Bernardino

THE COURT

The motion of petitioner filed January 16, 2019, for permission to include the trial court's exhibit 49 (a cd of a police interview with petitioner) as exhibit 65 to petitioner's habeas corpus petition is GRANTED.

cc: See attached list

EXHIBIT
SUPPORTING
FRAUD BY
PROSECUTOR

RAMIREZ
Presiding Justice

John Henry Yablonsky AL0373
18-147
480 Alta rd.
Sandiego,ca,92179

DAD

CLERK OF THE COURT
COURT OF APPEAL
FOURTH DISTRICT, DIVISION TWO

10 In Re John Henry Yablonsky, § CASE NO.#EO71880
11 On Habeas/Coram nobis, § Superior Court trial#FVI900518
12 § Superior Court Habeas#WHCSS1200311
13 § Superior Court Habeas#WHCJS1800338
14 § PETITION FOR REHEARING PURSUANT TO
§ CRC RULE 8.268(b)(1)
§ PENAL CODE §1473, 141
15 § SENATE BILLS 1909, 1134, 261
16 § Rule 5.1.13 CRC HABEAS CORPUS

CASE SUMMARY

18 Petitioner was tried and convicted by the Superior Court
19 of California in Sanbernardino county for murder in the first degree
20 consistant to P.C. § 187, and found guilty by the use of false
21 evidences. Petitioner timely filed direct appeals which had been
22 determined without the evidneces or facts within this petition
23 herein. Petitioner filed petition for review by the State Supreme
24 Court and that determination was also made without these facts or
25 evidneces filed herein this petition. Petitioner timely filed habeas
26 corpus with the Superior Court inthe district his conviction was
27 determined. That Court rules on several matters that [IT DID NOT
28 HAVE JURISDICTION] denying that petition with these allegations

1 stating that petitioner did not have proof. Petitioner diligently
2 sought to develop facts which revealed evidences to support the
3 claims made at the Superior Court level which were being piecemealed
4 by trial counsel and post trial counsel from ;
5 June 2009 where 300 of the 5000 pages were released
6 March 2011 where 1300 different pages were released from the 5000
7 July 2014 where trial counsel released another 1600 different pages
8 than the first 300 or the second 1300 out of the 5000
9 pages and not until the state bar got involved
10 January 2016 where post trial counsel finally released the full
11 case filed releasing 5300 pages which included the first
12 disbursement in 2009 of 300 pages, the second disbursement
13 in 2011 after the trial had concluded with 1300 more,
14 as well as the third disbursement of 1600 pages.
15 This fourth installment also contained a compact disc
16 of the evidence used during trial which confirms that
17 state actors alered, manufactured evidneces they relied
18 on in their conviction

13 MARCH 2018 PETITIONER SUPREME COURT CERTIORARI WAS
14 DENIED REHEARING
15 Petitioner filed a second successive habeas petition
16 in the Suoperior Court as soon as he could validate and confirm
17 these records that had been piece mealed over a period of seven
18 years after the very first initial demand for the states entire
19 filed. (see exhibits 1 through 11). The Court at the second succes
20 ive level denied the petition prejudicially, stating that petitioner
21 took too long to develop these facts on October 9, 2018 (CD3:5-11)
22 Most importantly the Court ignore the fact that the first habeas
23 petition Judge Kyle Brodie stated that the Court lacked jurisdiction
24 to hear those claims stating the petitioner did not have [PROOF]!

25 The evidneces presented in the original trial were not
26 substancial on their face outside the manufactured evidence, while
27 two experts stated (Dr. Saukel " That the DNA matching petitioner
28 was at least one and a half days older than the murder"(RT490)
(Pathologist) (see exhibit 51)

1 (Criminalist Jone stated " That several days had passed since the
2 sex, and he was certain of these findings" (Rt317) (See exhibit.51)
3 Petitioner was not seen at the residence, his fingerprints were
4 not located at the scene. (see exhibit 29) The victim was seen
5 at a party the day after petitioner had had sex with her, and was
6 seen there alive by three different persons who testified at trial
7 that they seen her on the night of Friday Sept3ember 20, 1985.
8 (see exhibit 13 Bruce Nash) (see exhibit 14 John Sullivan)
9 (see exhibit 14 Francesca Drake)

10 Rita Cobb was seen alive at the bars the night she had
11 been killed by several parties who offered statements that are mem-
12 orialized her. (See exhibit 16 Gregory Randolph) (see exhibit,21
13 Sheryll Brodus)(see exhibit 22 Ron Campbell)(see exhibit 24 Rene
14 Smith)(see exhibit 25 Fred Halbhook) Most strikingly odd was
15 that Gregory randolph not only seen Cobb at the bar, but admitted
16 to friends that he took her home and killed her. His confession
17 report led to arrest and other fact developing evidneces while
18 after he had been released and before these evidences had even been
19 proressed for DNA matching, killed himself before his DNA was tied
20 to this case. Trophies were located in his crime scene in the form
21 of photographs of murdered women.

22 23 ARGUMENT

24 The rules and laws surrounding newly discovered evidneces
25 apply in this matter regarding the use of false evidnece. The compact
26 disc accepoted by thie Court,as well as the Superior Court second
27 habeas confirm that the state prosecutor and his cronie Detective
28 Sheriff deput Robert Alexander altered answers given by petitoner.

1 This very Court admitted that petitioners DNA was not
2 a factor in their ruling in 2013 "That: defendants DNA was at least
3 one and a half days older than the crime of murder, that [A] could
4 have had sex with Cobb on Thursday night, and been killed by [B]
5 on Saturday " (COA 13) This Court also found that Rita Cobbs statement
6 to Bruce nash was relevant and should have been allowed in the trial
7 because "Although her statements was that she was going to the
8 Zodiac Lounge, she could have gone to another bar that night, also
9 she may have gone to the Zodiac Lounge and been waylaid in the park
10 lot"

11 YOU GOTTA READ THE CONFESSION REPORT EXHIBIT 16!!!!!!

12 This confession is not only ironically coincidental that
13 he confessed to meeting her at the exact same bar she said she was
14 going, but his details of the crime scene were morbidly accurate!
15 How else would he have known that she was going to the Zodiac lounge?
16 This brings us to the manufacturing of the evidncece. Furst these
17 actors had a parrent for arrest ands still spoke to petitioner without
18 miranda, recording these evients. They then did not transcribe these
19 until after a lawsuit provoke the prosecutor who litterally had
20 less than nothing to prosecute petitioner for this crime chose to
21 make evidnece that ties him to culpable behavior by oplacing a key
22 to the victims home into his possession. There really was nothing
23 else presented to these jurors that even implied petitioner had
24 anything to do with the case. DDA Ferguson admitted this when she
25 stated in here defense of petitioners first habeas, "That the defend-
26 ant admitted to having a key to the home of Rita Cobb and the jurors
27 used this exhibit 49A to make their decisions." You cannot unring

1 the bells of the Court (THIS COURT LACKS JURISDICTION) deputy prose-
2 cutor Ferguson (Collusory allegations without more is insufficient)

3 These allegations are now before this Court and are more
4 than sufficient, and supported by the laws under P.C. 141, 1473!!

5 Aside the fact that petitioner is innocent. Even if a
6 party was guilty the laws under P.C. 141, 1473 state the conviction
7 should be revered if there is a reasonable probability that the
8 false evidnece influenced the decision. Hell, it was the only evid-
9 ence that even implied petitioner committed any crime!! Placing
10 that fact on to½p that petitioner really is innocent and was in
11 another county at a family function at the time this murder occured
12 which was not investigasted by the trial counsel† does not change
13 the fact he was not at the crime scene the day the murder occured!!

14 PETITIONERS SECOND AND SUCCESSIVE WAS TIMELY
15 UNDER THE PREVAILING CIRCUMSTANCES THAT WERE OUT
16 OF PETITIONERS CONTROL,

16 AUTHORITY

17 All rules laws and authority in petitioners breif filed
18 herein the original filing are now and hereby incorporated by refe-
19 rance herein. Summary denials on meritorious habesas under federal
20 violations in state courts was not sufficient to rely on last court
21 decision or reason when it is [obvious] that the state court had
22 overllooked or disregarded petitiioners rights Ylst v Nunnemaker,
23 501 US 797, 806, 111 S. Ct. 2590, 115 L.Ed.2d 706(1991)'; Williams
24 v Cavazos 646 f3d 626, 635(2011); Johnson v Williams 568 US 289
25 (2012) That the state Court decision on which the Court relied was
26 not ~~eensistant-~~ a-~~construetieb~~n constitutional decision (646 f3d
27 at 640) Summary denial can be refuted by [STRONG EVIDNECE] Kernan
28 v Hinojosa 136 S.Ct. 1603(2016)

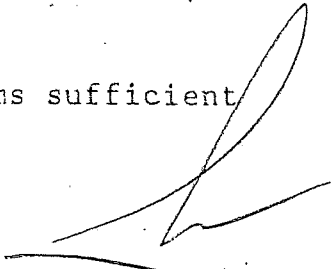
CAC 5.1.13 ALL PETITIONS FOR WRIT OF HABEAS
CORPUS OR CORAM NOBIS SHALL BE ASSIGNED TO
THE PRESIDING JUDGE OF THE APPELLATE DIVISION.
CONCLUSION

1
2
3 This is not what the constitution called for under the
4 XIV Amendment regarding the loss of liberty by the denial of due
5 process from state laws that are not being applied properly. The
6 law under P.C. 1473 are clear that if there was a use of false evid
7 ence and that ruling was determined by this fasle evidence then
8 the case must be vacated and bound over for a new trial based on
9 the truth. The Superior Court denied jurisdiction, the $\frac{1}{2}$ prosecutors
10 office stated that collusory allegations without more was insuffic-
11 ient, suggesting if there was proof, then habeas should have been
12 granted.....WELL, THERE IS PROOF AND THIS COURT HAS
13 IT NOW!!!!!!!!!!!!

14
15
16
17
18
19 PRAYER

- 20 1) Grant petitioner an evidentiary hearing where experts can validate
21 the evidnece before this Court
22 2) Grant a rehearing based on the facts of this case and allow
23 the attorney general to filed oppositrions, or admit false
24 evidence was in fact used
25 3) Any other releift this Court deems sufficient

26
27 April 16, 2019


John Henry yabl;onsky

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re JOHN HENRY YABLONSKY

E071880

on Habeas Corpus.

(Super.Ct.Nos. FVI900518,
WHCJS1800338 &
WHCSS1200311)

The County of San Bernardino

THE COURT

The petition for writ of habeas corpus is DENIED.

CODRINGTON

Acting P. J.

Panel: Codrington
McKinster
Miller

cc: See attached list

PROOF OF SERVICE

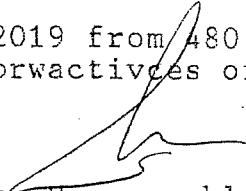
I John Henry yablonsky an adult over the age of consent and a party to this action have mailed accordjg to regular practivces of this institution a petition for rehearing. This mailing was placed into a n envelope that was postage fully prepaid and addressed tothe fil following

Court of Appeal
3389 12th street
Riversdide ca, 92501

Attorney general
box 85266
s.d.ca. 92186

Public Defenders
14455 civic dr
v.v.ca, 92356

This was mailed on April 16, 2019 from 480 alta rd sandiego ca, 92179 according to the rules and prwactivces of the department of correction



John Henry yabl;onsky

E071880

**Court of Appeal
Fourth District, Division Two**

In re JOHN HENRY YABLONSKY

E071880

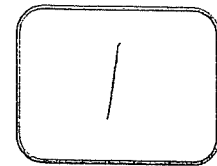
on Habeas Corpus.

(Super.Ct.No. FVI900518 &
WHCJS1800338 &
WHCSS1200311)

The County of San Bernardino

Denial of a petition for writ of habeas corpus is final in the court of appeal immediately upon its filing. This court no longer has jurisdiction on this habeas petition. It was final on April 3, 2019. See California Rules of Court, rule 8.387

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

24

OFFICE OF THE PUBLIC DEFENDER

Defendant: Yablonsky, John Henry

Def.#: 01 DOB: 09/30/196:

AKA:

Co-Defns:

Address: 1700 E Silva St, Long Beach, CA 90807

Phone #:

Charges: PC187(A)

Bail Amount: \$1000000.00

Court Case No.: FV19005

Custody Status: In Custody

Booking Number

Attorney	Date	Court	Activity
	03/10/2009		Pre-Preliminary Hrg, 03/18/2009, 08:30 A, V6; Preliminary Hrg 03/23/2009, 09:00 A, V6;
GR	3/23	6	5/6/09 - PPH 5/21/09 - PH Also request sent
GR	3/21	Jail	visited w/ A 2h. @ jail
GR	4/3	ofc.	Video copy EXHIBIT w/ A for the... (1) Rambos: (1) (1-1) = 1 (1)

13 DAYS AFTER ARREST AT JAIL VISIT BY ATT. COUNTY

COUNTY ACKNOWLED. REQ.

EXHIBIT (1)
Rambos: (1)
(1-1) = 1 (1)

OFFICE OF THE PUBLIC DEFENDER

Defendant: Yablonsky, John Henry

Def. #: 01 DOB: 09/30/1966

AKA:

Co-Def:

Address: 1700 E Silva St, Long Beach, CA 90807

Phone #:

Charges: PC187(A)

Bail Amount: \$1000000.00

Court Case No.: FV19005

Custody Status: In Custody

Booking Numb

Attorney	Date	Court	Activity
	03/10/2009		Pre-Preliminary Hrg, 03/18/2009, 08:30 A, V6; Preliminary Hrg 03/23/2009, 09:00 A, V6;
GR	3/23	6	5/6/09 - PPH 5/11/09 - PPH Also request out
GR	3/21	Jail	visited w/ C 2 hr. @ jail
GR	4/3	ofc.	Video of EXHIB 1 w/ 4 Per 1 hr. (1) Ranko. B1 B1 III (1-3) SUB

13 DAYS AFTER ARREST VISIT BY ATT. CAUSTY AT JAIL

APR 13 13

4/3/09
6:00 AM

Defendant: Yablonsky, John Henry
Court Case No.: FV1900518
Charges: PC187(A)
Case # 0903341068 WDC 11-C-1

Attorney Date Court Activity

DLS 5/6/09 F-6 PP - 6/15
PH - 6/17

DR. D. APP.

- wants perm to trans. do
- want blank paper

DLS 6/15/09 F-6 PP - 7/2
PH - 7/6

SANDERS RECEIVED
300 OF 5400
PAGES

DLS 6/26/09 F-6 - Mailed 1st installment
& discovery

THIS IS IN PROGRESS
TRANS. MAILING
RECORDS
NOT TRANSCRIBED
UNTIL 11-23-10
DLS
11-23-10
WAS 2:23 + 3:00
TRANSCRIPTIONS

7/2 CT - cont of chert &
his dad about case
V-6 - Cont PP to 7/23 V-6
Cont PH to 7/28 V-6

DLS 7/23 V-6 Confirm PH for 7/28

DLS 7/28/09 V-6 Arr 8/11 V-2
(A. Held to Answer)

EXH. (2)

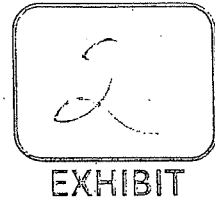
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69 Y A

APR 11 2009

(1-3)

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

Yimblonsky # 0903341068
JD C IFC
9/30/03

WRITTEN
ATTORNEY
IN MAY 2009

DECLINING
300 PAGES

JUNE 2009

ONLY
350

1) HOW ARE THE INVESTIGATORS DOING?

2) DNA TAINTED?

WHO GATHERED, PROPER TRAINED AUTHORITIES, CERTIFIED HANDLERS, MEANS OF TRANSPORT, TIME IN ROUTE

3) POSSIBLE CONVICTION CATEGORY

4) WEAKNESS IN DA'S CASE

5) WHICH JUDGE WILL HEAR OUR CASE

6) SENTENCE ALTERNATIVE IF POSSIBLE

7) WHAT SPECIALIST DO WE HAVE, EXPERT WITTS

8) CAN WE DISPROVE DA'S EVIDENCE

9) POSSIBLE CONVICTION CATEGORY

10) CAN I GET A COPY OF DISCOVERY

POLICE REPORTS, STATEMENTS, INVESTIGATED PERSONS, INCLUDING THE

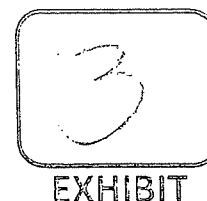
11) DO YOU HAVE ALL OF THE DISCOVERY

12) DOES DA HAVE THE EXPERIENCE OF BEING SUCCESSFUL (2-1) (2) (3)

13) COPY OF COURT ORDER TO TRANSPORT I 3 DOCUMENTS ANY COPY DEF. COPY I 3

11/2 County said he seen
WRITTEN CONFESSION BY WETP SUSPECT PLEASE

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

OFFICE OF THE PUBLIC DEFENDER

Defendant: Yablonsky, John Henry
 Court Case No.: FV1900518
 Charges: PC187(A)
 # 0903341068 WDC 11-C-1

6 PM AND 4/3/09

Attorney	Date	Court	Activity
----------	------	-------	----------

DLS	5/6/09	F-6	PP - 6/15 PH - 6/17
-----	--------	-----	------------------------

SANDERS
 ONLY JAIL VISIT

DR. D. APP.

			- wants perm to transcribe - want blank paper
--	--	--	--

DLS	6/15/09	F-6	PP - 7/2 PH - 7/6
-----	---------	-----	----------------------

DLS	6/26/09	F-6	- Mailed 1st installment & discovery
-----	---------	-----	--------------------------------------

DLS	7/2	CT	- conf w/ Cheryl & his dad about case
-----	-----	----	---------------------------------------

		V-6	- Cont PP to 7/23 V-6 Cont PH to 7/28 V-6
--	--	-----	--

DLS	7/23	V-6	Confirm PH for 7/28
-----	------	-----	---------------------

DLS	7/28/09	V-6	Arr 8/11 V-2 (A Held to Answer)
-----	---------	-----	------------------------------------

EXH. (2)

WAS IN THE PROSECUTOR'S MAILING RECORDS FOR TRANSCRIPTIONS UNTIL 11-23-10 2:00 PM
 THE 11-23-10 DLS WAS 2:00 + 3:00 TRANSCRIPTIONS

(3-1)

B

I 2

(3)

ATTORNEY

READ THIS!

MR. SANDERS:

I GOT THE DOCUMENTS, AND THANK YOU. THE ENVELOPE WAS OPENED IN REGULAR MAIL AND DELIVERED WITH REGULAR DELIVERY.

THE MOTHERS STATEMENT IS TRUE AND ^{ALMOST} ACCURATE THOUGH BLOWN OUT OF PROPORTION, BUT WAS OVER THE PHONE RIGHT. HOW SHE NEVER SEEN

HER DAUGHTER GET HIT

HER DAUGHTER GOT HIT

HOLLY'S STATEMENT WAS LIE AFTER LIE AFTER LIE, SHE'S STILL STRUNG OUT ON DOPE NOW. EVEN IN CANADA

MY PHONE CONVERSATIONS WERE INTERPRETED NOT RECITED OR NARRATED, STATEMENTS THAT RAISED QUESTION ARE DOING SO BECAUSE OF INTERPRETATION. I SAID "I DIDN'T TELL THE COPS I HAD SEX WITH RITA, BECAUSE IT WAS EMBARRASSING, IT WAS IN FRONT OF MY MOTHER IN LAW WHO WOULD BEEN THE SAME AGE AS RITA OR THERE ABOUTS", NOT BECAUSE THEY WERE GONNA ARREST ME. THE INTERPRETER REPEATS THAT SEVERAL TIMES. MISLEADING THE TRUTHS. EB

THE INVESTIGATORS MOSTLY TRUE EXCEPT D1

2-3-2

(M7)

- Holly's Mom WORKED WITH THE LAW ENFORCEMENT PROBATION DEPARTMENT OF LONG BEACH "SHE WAS SUPERVISOR" HOW IS SHE SURE THAT I HURT HER ~~DRUGS~~ BUT NEVER GOT POLICE INVOLVED? BECAUSE SHE KNOWS HER DRUGS ~~IS~~ IS A LIAR, AND HABITUALLY MUTILATES HERSELF, CHECK HER MEDICAL RECORDS FROM BACK IN THE DAY, EVEN CURRENTLY. POSSIBLY, I BROKE HOLLY'S NOSE PUSHING HER FACE INTO THE FLOOR, WRESTLING HER TO HOLD HER WITH A CREEK RADIO CORD, SHE'D IN FACT HIT ME WITH, SO SHE COULD GET TO THE RIFLES", BUT AFTER I NO-TIED HER I UNLOADED THE WEAPONS THEN UNTIED HER.

I THEN TOOK THE WEAPONS A BLOCK AWAY TO MY NEIGHBORS TO PREVENT HOLLY FROM SHOOTING ME OR HERSELF.

WHEN I GOT BACK SHE WAS STANDING AT THE FRONT DOOR WITH HUGE SWELLINGS TO THE TOP LEFT FOREHEAD AND BOTTOM RIGHT CHIN. I FELL APART WHEN I SEEN THAT, SHE SAID SHE HERSELF HAD SMASHED HER FACE INTO THE SINK AND THAT I WAS GOING TO JAIL" NO COPS WERE CALLED BY HER BECAUSE SHE KNOWS SHE'S HAD A LONG HISTORY OF SELF MUTILATION. HER MOM WAS CALLED AND SHE TOO KNEW OF THE LONG HISTORY OF SELF MUTILATION, OR ELSE SHE WOULD HAVE CALLED THE POLICE HERSELF, I SPEAK TO THEM AT WORK. HOLLY LIVED AT GRANDMAS BECAUSE HER DAD MURDERER, WAS SENT TO TEXAS, AND GRAND PARENTS TOOK HOLLY IN. "HOLLY'S STORY" BUT HE WENT TO TEXAS AND I CONFRONTED THIS MAN. HE TOLD ME

I 3 (3-3) (MB)

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3 IT WISNT LIKE THAT, THAT THATS NOT HOW IT HAPPENED. BUT HE REFUSED TO LEAVE TO ESCAPE THE TARENTS OF MENCERATION. I THINK HOLLY MADE THE STORY UP ABOUT HIM, THE FAMILY GOT INVOLVED AND FELT IT WAS BEST THAT SHE MOVE AND HER DAD LEAVE STATE.

HOLLY WAS A DOPE HEAD WHEN I MET HER.

- MR. SANDERS

I'VE BEEN HONEST WITH YOU, I'VE BEEN PATIENT WITH YOU. YOU KEEP LYING TO ME, YOU LIED ABOUT THE DA QUESTIONING ABOUT THE FLIERS SAYING HIS OFFICE SAID THEY MAILED ABOUT 3000 FLIERS. YOU TOLD ME THAT TWICE. YOU TOLD ME YOU WERE GOING TO FILE 3 MOTIONS 1-ELPASC ACCUSATION 1-DR AND THE FLIER 1-995. YOU DONT REMEMBER THE CASE WAS A DEATH WARRANT SINCE 1ST DAY ARRAIGNMENT IN SUPERIOR. YOU DONT REMEMBER WHAT HAPPENED IN NIKKITA'S COURT ROOM. YOU ACTED LIKE YOU WORKED FOR THE DA HIMSELF, AGREEING THAT EVIDENCES EXISTED WHEN NIKKITA WANTED DOCUMENTS, ^{YOU} WANTED TO SET TRIAL DATES EVEN AFTER YOU SUBMITTED THE 995.

THANK GOD NIKKITA MADE YOU HEAR HIS DECISION, HE WAS IN OUR FACILTY THAT DAY, HE GAVE THE DA 1 1/2 HOURS TO RECTIFY THE MISSING DOCUMENT.

YOU MAY HAVE BEEN GREAT IN YOUR DAY. WHAT I'D SEEN AT MY PRELIMINARY WAS AN ATTORNEY THAT HAD HIS CLIENTS BEST INTEREST, TOOK COMMAND OF THAT PROCEEDING AND EVEN DOMINATED THE HEARING. YOU HAD THE FORENSIC SPECIALIST STATE HIS TRAINING

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4 HIS PROFESSIONALISM, THEN COACHED HIM
C. SAY HE DIDN'T COLLECT EVIDENCE,
THAT ALL EVIDENCE WAS PUT INTO TWO
BAGS. HE SAID EVIDENCE IS COLLECTED TODAY
THE SAME IT WAS IN '85, THAT A SUBSTANTIAL
AMOUNT OF EVIDENCE WAS NOT COLLECTED
OR EVEN PROCESSED. HE EVEN STATED IN
HIS PROFESSIONAL EXPERIENCE OF SEVERAL YEARS
TRAINING, AND HUNDREDS OF CRIME ~~SCENES~~
SCENES THAT HE WASN'T SURE IF THE
SCENE WAS A DUAL SCENE, A CRIME OF PASSION
OR THAT THE SEX WAS CONSENTUAL OR NOT.

YOU ~~WON~~ ^{WON} THAT DAY IN COURT.
I HAVEN'T SEEN YOU SINCE. I TRIED
BEING POLITE, AND PATIENT, I EVEN WAITED
BECAUSE YOU SAID YOU WERE BUSY.

I'M DONE WAITING. I HAVE MORE
DATA THAN YOU ABOUT RAMOS' ELECTION
FLIER WHICH PROVES HIS CONFLICT IN
INTEREST TO PROSECUTE MORE THAN ENOUGH
TO RECUSE HIM, THEN MY CIVIL SUIT, MY
SUIT CLAIMS NEGLIGENCE VZ CONSTITUTION
VIOLATIONS 4 PENAL CODE VIOLATIONS AND
TWO FEDERAL RULES OF LAW.

MR. SANDERS I DID NOT
COMMIT THIS CRIME, BUT I DON'T
THINK YOU CARE TO PROVE THAT, I
THINK YOUR RELYING ON AN APPEAL PROCESS
THAT MAY OR MAY NOT CORRECT WHAT IS
GOING WRONG. WHAT AND WHERE ARE
YOUR INVESTIGATORS FINDINGS.

- PAM HARWICK
- THAT EDWARDS GUY ON DEATH ROW
- SAUNDERS MURDER/SUICIDE SCENE (LETTERS) (JOURNAL)
- DID YOU GET THE MINUTES FROM MY PRISON
CONVICTION PROCEEDINGS IN LONG BEACH
- DID THEY FIND THE DEPOSITION FROM TEXAS ES
- THE DETECTIVES SAID MY DNA WAS COI

(3-5) IS (MIO) D7

6 BY CONSTITUTION, PENAL CODE AND
FEDERAL RULES OF LAW. MY BATTLE
WILL HELP YOUR BATTLE. ONCE I CAN
GET THE COURTS TO ACKNOWLEDGE HE'D
INTENTIONALLY VIOLATED MY RIGHT TO
OR LIKELY TO AN IMPARTIAL SURVEY
AND MY DUE PROCESS WILL SUBSTAN-
CIATE YOUR MOTION TO RECUSE THE
DA AND THE MOTION FOR CHANGE OF
VENUE. I WROTE A SUBPOENA REQ-
UESTING ALL EVIDENCES PERTAINING
TO RAMOS' RE-ELECTION, ^{NAME AND ADDRESS} COMMITTEE ^{MEMBERS}
BOARD TO RE-ELECT, ^{MEMBER} TREASURER, NAME
AND ADDRESS OF PRINTER OF FLYER,
EXACT ADDRESS COUNT OF MAILINGS,
POSTAL ACCOUNT NUMBER TO CONSIDER
ACTUAL ADDRESS COUNT MAILING AND
THE AMOUNT OF TIMES EACH ADDRESS
WAS MAILED TO REGISTERED VOTERS, THEN THE
QUANTITY OF ACTUAL REGISTERED VOTERS
IN SAN BERNARDINO. SO I CAN COMPARE
PERCENTAGE OF COVERAGE (I BELIEVE SHOULD BEEN
YOUR JOB) FOR THAT SUBPOENA, NOT A PRIVATE
CALL OR A QUESTION IN THE HALLWAY, WE'RE
TALKING ABOUT A VIOLATION TO THE DECLARATION
OF INDEPENDENCE: GOT ANY FAMILY WHO
SUFFERED IN ANY OF OUR WARS?

WELL I DO, I UNIFORMED, MY FATHER
UNIFORMED, MY BROTHERS, MY NEPHEW, MY
UNCLE, MY GRANDFATHER. MY NEPHEW JUST
GOT BACK FROM HIS SECOND TOUR AND
PLANS ON ANOTHER. YOU SAY IM TOP OF
YOUR LIST. I SAY THAT IF IM NOT BY
NOW OR BY OUR COURT DATE OF THE
8TH OCTOBER PRETRIAL, I'M GONNA
SCREAM CONFLICT OF INTEREST, INEFF-
ECTIVE COUNSEL, CONSTITUTIONAL VIOLATIONS,
FEDERAL RULES OF LAW VIOLATIONS

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THE MURDER WEAPONS?

- I WANT TO KNOW HOW THE OTHER TWO CRIME SCENES THE DA WONT RELEASE
- 5 PERTAIN TO THIS CASE, WHY WONT HE RELEASE THEM
- ALL THE PEOPLE YOUR INVESTIGATOR SPOKE WITH "ALL"

HAVE YOU AND JOHN THOMPSON DECIDED MY FATE ALREADY. I'M EXTREMELY PISSED THAT YOU'VE IGNORED THE FACT THAT THERE HAS BEEN A DEATH WARRANT WITH MY NAME ON IT SINCE SUPERIOR JURISDICTION.

AS YOU CAN SEE, I'M NOW INTERESTED IN EVERY ASPECT OF YOUR INVOLVEMENT AND PERFORMANCE WITH MY CASE.

HAVE YOU BEEN GIVEN EVERY PIECE OF EXCULPATORY EVIDENCE FROM DISTRICT ATTORNEY,

HAVE YOU SEEN EVERYTHING?

CANTY SAID THERE IS NOTHING ABOUT A MURDER EVIDENCE. "NONE" THAT TIES TO ME? I WANT A COPY OF ~~THE~~ THE DEATH WARRANT THEY'D GIVEN YOU. MY

CRIME DATE IS ON CALENDAR OF OCT. 5TH WITH RIDE. HE WANTS TO HAVE THE CIVIL DISMISSED ON GROUNDS OF INSUFFICIENT EVIDENCE AND THAT THE SUIT WAS WRITTEN IN A WAY THAT HE COULDN'T UNDERSTAND WHAT I WAS ACCUSING HIM OF OR THAT HE WAS ABLE TO REASONABLY ANSWER.

FRIVOLOUS & AMBIGUOUS, I'S WHY I NEED A COPY OF THE DEATH WARRANT. I FIGURE THE DEATH WARRANT WITH A FEW COPIES OF THE FLIERS (TWO DIFFERENT TYPES) WILL PROVE HIS INTENT. ITS COVERED EVO

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7 AND BEG MR TOMBERLIN TO DISCHARGE YOU OFF OF MY CASE. THEN I'M GONNA PRAY FOR AN ATTORNEY WITH SOME LIFE, AND DESIRE TO WITH THIS CASE, NOT PROCESS IT.

MY SON TOLD ME ONE DAY HE HAD A PROBLEM WITH A TEACHER AT ^{A S} ~~THE~~ ^{HE} ~~HE~~ WAS SHORT AND MOCKED HIS GROWTH WITH HIS ABILITY TO LEARN. AT FIRST I FIGURED IT WAS JUST ANOTHER STORY, SIX KIDS, YOU HEAR A LOT OF STORIES. AFTER I TOOK A CAREFUL LOOK, ASKED A FEW PEOPLE QUESTIONS, TOOK THE INITIATIVE TO BELIEVE WHAT HE'D SAID, I FOUND THIS NOT TO BE TRUE AND ACURATE. BECAUSE I TOOK THE INITIATIVE TO SEEK THE TRUTH, THE TRUTH PRESENTED ITSELF, HAD I NOT LOOKED, PROBABLY WOULD NEVER SHOWN ITSELF.

THAT TEACHER ISN'T ALLOWED TO TEACH IN ANY SCHOOLS IN THE STATE OF CALIFORNIA ANY MORE. HAD I NOT LOOKED, MY SON WOULD STILL LOVE ME, BUT HE'D HAVE LOST TRUST IN THAT LACK OF ACTION. HE WAS PROBABLY A GOOD TEACHER OTHER THAN THAT, BUT SOME THINGS ARE UNACCEPTABLE. I NEVER DUG A DITCH WITH JUST A SHOVEL, I ALWAYS HAD AN ENTIRE TRUCK FULL OF TOOLS "ALWAYS".

I KNOW ABOUT BEING PROFESSIONAL, SO DO YOU. THEY WANT TO SEND ME AWAY FOR A CRIME I DID NOT DO, IF THATS GONNA HAPPEN, IT WILL BE BY THE FAIR PRACTICE OF OUR JUDICIAL SYSTEM, NOT MOSTLY, OR EVEN SLIGHTLY.

I FOUND MY HONOR ABRAN BACK IN '94 ON FOLSOM'S 4 YARD (RECEIVING STOLEN PROPERTY).

I'D LOST IT WHEN HOLLY LEFT WITH THE DRUG CONNECTION, AND HER MOM GOT THE KIDS,

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8 I WILL NEVER SACRIFICE IT AGAIN.
SHE WASN'T WORTH IT, BUT I'VE FOUND
IT IS OF MORE VALUE TODAY THAN ANYTHING
I'VE EVER FELT.

YOUR COUNTY IS CROOKED,
YOUR JAIL IS EVEN MORE CROOKED,
COUNTY POSITIONS KEEP POPPING INTO
COMPROMISING POSITIONS AND COURT ROOMS
LIKE JIFFY POP WISH IT COULD.

WHAT YOU DO IN THE COURT
ROOM ON THE 8TH WILL DECIDE
WHAT I DO. YOUR NOT A LOSER, AND
NEITHER AM I, IF YOU WONT
ARGUE AND FIGHT FOR ME, I DEFINITELY
WILL. YOUR FIGHT HAS BETTER
BENEFITS, YOU GET TO GIVE WHAT
SOMEBODY ELSE CAN'T FOR THEMSELVES,

A LAW DEGREE, BACKED BY
HONOR, AND EXPERIENCE (SINCE 1982), AND
INTEGRITY.

IF I DON'T SEE THE SAME MAN
AT MY PRETRIAL^{CONF} I'D SEEN AT MY PRELIMINARY
I'M GOING TO FIRE THE MAN THAT
SHOWS UP IN COURT THAT DAY.

THIS ISN'T A BAG OF GROCERIES YOUR
FIGHTING FOR, ITS MY LIFE, THE REST
OF MY LIFE. I'M 47 NOW AND INTEND
ON LIVING TO BE 80. I DON'T WANT TO
SIT BEHIND BARS # FOR 33 MORE YEARS
ALISM FOR A CRIME I DID NOT
COMMIT -

I HOPE TO SEE A WINNER
WALK IN THAT COURT ROOM DEPARTMENT
#2 ON OCTOBER 8TH 2010.

WE'LL SEE?

THANK YOU!

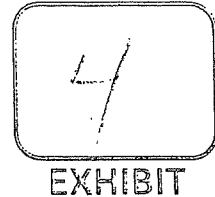
JOHN VASLOWSKY

(3-9)

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(M14) D11

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

1 because it may fit the description of more than one of
2 my clients but I think he's talking about Mr. Harman
3 (ph).

4 THE COURT: Yes.

5 MR. ZYWICIEL: That's fine. The door was open.
6 I didn't realize.

7 THE COURT: Mr. Zywiciel, you would of come
8 through that door even if it were locked I think.

9 MR. ZYWICIEL: I'll be back.

10 THE COURT: Thank you. I didn't even ask. The
11 young gentleman with the clean shaven face with the
12 green shirt is Mr. Michael Mendora, he's also with the
13 same law firm, public defender's office; do you have any
14 opposition to having him here?

15 THE DEFENDANT: No, sir.

16 THE COURT: Okay. So Mr. Sanders, back to you.

17 MR. SANDERS: All right. As I indicated all of
18 our meetings I -- that's the way I end the meeting is
19 asking my clients if they want to talk to me about

20 anything else or if there is anything else that we can
21 do. And I didn't walk out of any of those meetings
22 until Mr. Yablonsky said, No, we're good.

23 Number 2, on the discovery. This one is really
24 odd. My client requested that he be given discovery. I
25 was under the impression that Mr. Canty had given him
26 discovery. I went through all of the discovery and I
27 copied all of the statements, which is what he initially
28 requested. That was some 300 pages. And I gave those

LIAR

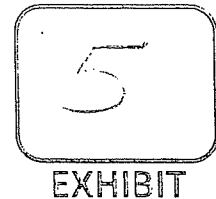
ADmits A

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

Box 5005
Belmont CA 93213

3

CALIFORNIA SUPREME COURT
300 S. SPRING ST. FLOOR 2
LOS ANGELES, CA 90013-1233

JULY 2012

John Yablonsky
PETITIONER

HABEAS PETITION NO.
WHCSS1200311

vs.
P.L. VASQUEZ (WARDEN)
NORTH KERN STATE PRISON
RESPONDENT

(SAN BERNARDINO COUNTY SUPERIOR
COURT NO. FVI 900518)

ALSO ATTORNEY GENERAL FOR
THE DEFENSES

REQUEST ORDER FOR
TRIAL TRANSCRIPTS

COMES NOW PETITIONER, WITH GOOD CAUSE, AND
STANDING IN HABEAS CORPUS COURT, PETITIONER HUMBLY
REQUESTS THIS SUPREME COURT OF THE STATE, TO ORDER
SUPERIOR COURT DIVISION TWO OF SAN BERNARDINO COUNTY,
TO ORDER FOR THE ~~WARDEN~~ PETITIONER, ONE
COMPLETE SET OF TRIAL TRANSCRIPTS, PRELIMINARY,
SPEEDY TRIAL HEARINGS, PRETRIAL HEARING, TRIAL HEARING
AND BOTH WARDEN HEARINGS. THE HONORABLE JUDGE
JOHN TAMMARELLI PRESIDES IN THAT COURT.

THE PURPOSE OF THESE TRANSCRIPTS FOR THE
INDISSENT PETITIONER, IS TO FULFILL THE HABEAS
CORPUS PETITION THAT NOW STANDS IN THE SAN
BERNARDINO COUNTY SUPERIOR COURT, PETITIONING
HABEAS ON CASE FVI 900518 WITH PETITION NO.
WHCSS 1200311. PETITIONER HAS MOTIONED TWICE
IN THE FILING COURT FOR TRANSCRIPTS, FOR THIS MOTION
HAS BEEN IGNORED FOR OVER 2 (TWO) MONTHS.

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RULE 6(a) 21

1/21

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24/36 - 10079686

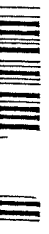
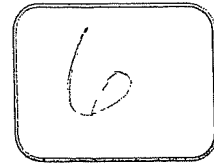


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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Superior Court

Change court

Case data last updated: 06/19/2014 10:35 PM

Docket (Register of Actions)

YABLONSKY (JOHN HENRY) ON H.C.
Case Number S216283

Date	Description	Notes
05/01/2014	Petition for writ of habeas corpus filed	Petitioner: John Henry Yablonsky Pro Per - 2 volumes of lodged exhibits with petition.
05/13/2014	Received:	Motion requesting an order directing the state parties to release evidence to the Petitioner
07/07/2014	Received:	Document entered "Second request for Discovery" By Petitioner
07/16/2014	Petition for writ of habeas corpus denied	JULY 16 2014 DENIAL

Click here to request all email and email notifications about this case.

Workers | Contact Us | Accessibility | Public Access to Records | Terms of Use | Privacy | 8/16/2014
Judicial Council of California / Administrative Office of the Courts

JULY 7, 2014

(6-1)

IG (6)

RULE (6a) 22 1/24 (7)

John H. Yablonsky v. Scott Fraumenheim, Warden
U.S.D.C. Central Dist., E.F-01877-PA (DITB)
FODGMENT 25

John Yablonsky AL- 0373
Box 8500
Petaluma, Ca. 93210

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
HABEAS CORPUS DIVISION

Re;

John Henry Yablonsky
for/ Writ of Habeas Corpus
petitioner,

Super.Ct.No.FVI900518
4th App. Court EO 60202
REQUEST FOR TRIAL TRANSCRIPTS

The petitioner in this matter comes forth, with good cause, praying this court to order the County of San Bernardino to surrender full and verbatim transcripts to the hearing conducted in the Superior Court, with regards to case number # FVI900518, that were conducted in the Victorville Branch of the Superior Court of California. This Request relates to [all] hearings conducted in the presence of and out of the presence of John Henry Yablonsky. Motion Hearings, Marsden Hearings, Chamber meetings, Bench ruling/meetings, Recusal Hearings, and all matters on the record of this case, which should include any and all augmented records that were conducted for the purposes of this case.

Petitioner formally requested these transcripts from the Superior Court, and the informal arguments were based on the contents of these transcripts. Since the petitioner reflected to [notes] and memory, some of the claims in dispute weighed on the accuracy of these transcripts, and injury that was sustained as a result of the conduct that was conducted on and off the record in the petitioners Writ, for this case.

Although the petitioners claims are accurate the state relied on verbatim recollection, when they were not necessary, and as a result, the state relied on the defense "That's not what they said" instead of relating to the exact wordings of certain claims. It is also the petitioners belief that these transcripts would reveal further violations to the Substantial Rights of the Petitioner in this case.

(6-2)

(6) I 7 (8)

RESPECTFULLY SUBMITTED;
[Signature]
John Henry Yablonsky Pro-Se
12/10/13

EXHIBIT COVER PAGE

7

EXHIBIT

Description of this exhibit:

DILIGENCE
DISCOVERING FACTS
FROM COUNSEL

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

EXTRA
WJ

PROOF OF SERVICE BY MAIL

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I Kenneth Yablonsky am an adult over the age of 18 years of age and not a party to this action, and am an american citizen. Under penalty of perjury the following documents were mailed to the following addresses and were sealed in postage fully pre-paid envelopes to be delivered by the U.S.P.S. first class deliveries.

- * Request for records from public defenders office case #FV19C0518
- * Questions to answered by Dave Sanders or Supervisor from that office

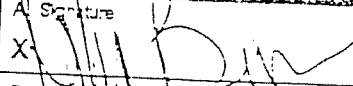
The mailings were addressed as follows,

State Bar of California 1149 S. Hill ST. L.A., Ca. 90015	Dave Sanders Att. 14344 Cajon #201 V.V., Ca. 92392	United States A.G. U.S. Dept of Justice 950 Pennsylvania N.W. 20530
--	--	--

CERTIFIED ONLY

FILE IN THE X'S

These mailings were mailed from the following city _____ year _____

<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name)		C. Date of Delivery 1-21	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		2-4	
Article Addressed to Dave Sanders Att. 14344 Cajon #201 VICTORVILLE, CA 92392		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			

2 Article Number (Transfer from service label) 7012 3460 0000 2578 7606 PS Form 3811, February 2004 Domestic Return Receipt 10255-02-00-1540

(7-1) DILIGENT (7) 5. 18 9

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

Case # FVI 900518

1
2 Dear Mr. Sanders; or Whom this concerns

3 This is a formal request for your records to the repres-
4 entation of your services with any and all regards to my
5 case.

6 I am asking that you release every document that relates
7 to my case and ervery note, record, file, investigators notes
8 and records, leads, interviews, investigations to whom and
9 with in regards to the investigations and trial preperations
10 for my case. I am asking that you release and send me every
11 document that the district attorney gave you with regards
12 to this case and any possible exculpatory evidences that
13 were mine from this case. Mine being anything that relates
14 to me abd my interests. I am asking that you relase and send
15 to me every file, motion, writ, copy of e-mail that you sent
16 or received with regards to my case from the time you were
17 first notified that you were going to be my attorney, and
18 until the courts contacted you with regards to my or my attorney's
19 claims. I am in propia persona on my legal interests at this
20 time, and am formally teeing you thaty these imformations
21 are needed to protect and defend my legal, and constitutional
22 interests at this toime.

23 I am send the courts a copy of this request, and am demanding
24 that you respond in an expedited manner.

25 These document are of no interest to you and shopuld the
26 courts require you to respond to your refusal to non-compliance
27 with this demand the California Bar Association will be informed
28 as will the American Bar Association. As you can see they
were sent copies of this demand.

I will expect a reasonable response time, and demand that
these requests be honored and sent to me at the state prison
for which i am house bt no later than Feb. 28, 2014.

Please include the list of every attorney visit you had with
at the West Valley Detention Center and the context of those
meetings, dates, times, purposes, and every call that you
received by me or my family.

Respectfully

[Handwritten signature] 1-10-14

3 YRS
AFTER
TRIAL

F1
7-2

(9)

John Henry Yablonsky AL- 0373

A-3-250

Box 8500

Case # FVI900518

Coalinga, Ca. 93210

Dear Mr. Sanders, or whom ever from this office;

The context of this request is that you formally answer the following questions with regards to this case number #FVI900518, and any and all interests that you or anyone ine, your office that represented me or my interests in the case stated before.

1. Why did you not file the motion for change of venue when the county DA used my case in his re-election campaign

2. Why did you not serve the attorney general when you wrote the motion to recuse the entire district attorney's office

3, Why did you only release the 300 pages of discovery before the trial and the additional 1300 pages after the trial when the request was for [all] the discovery to this case when we first met ? and why hadn't you released the rest of the discovery to my case ? *THERE IS OVER 4000 PAGES*

4. when I told you that the interrogation was transcribed incorrectly, why didn't you have the recording devices verified or authenticated for the interrogation the was illegally conducted ? (without miranda)

5. When I told you that we needed to talk about this case after Attorney Canty had passed this case to you, why didn't you come to the jail to discuss this case in it's entirety and rely solely on what you believed Canty to have told you rather than discussing it with me personally ?

6. Why did you not have the DNA that was found on the scene that belonged to me tested for authentication, possible contamination, breach of mandatory protocol

Question from the trial attorney (1)

62-97-3

J3

(9)

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- 1 and have the evidence tested for the length of time that
2 it was at the scene before it was collected. ?
- 3 7. Why didn't you have the watch pin that was used during
4 the trial as proof of the struggle, and have a DNA profile
5 from that pin ? Or hide the fact that it existed from me?
6 I could have told you that it didn't belong to me,
- 7 8. Why didn't you have the red hair with the root bulb in
8 tact tested and have a DNA profile since the hair was located
9 on the body, and the body was found nude ? Knowing that
10 I did not have red hair and that this would not be mine
- 11 9. Why did you not test the desk cloth that was used in
12 this case, to see of whether or not the cloth had other
13 DNA's on it ? Or to verify the length of time the DNA that
14 belonged to me was there before the crime was committed ?
- 15 10. why did you not follow up on the lead with Lori Amaro,
16 and that there was in fact a restraining order in the courts
17 records that I had given to you, and how you could get in
18 touch with Tony Larue in belflower ? to verify the complaint
19 she made was in fact false ? Or the credit reports that
20 would have shown that I did in fact live at the same address
21 for months ?
- 22 11. why did you not investigate or at least try to collect
23 the records r that were in Texas from that case involving
24 the bar hooker, when I told you there was a deposition the
25 attorney at the time had conducted proving that her complaint
26 was false, or at least have the evidence sent to you to
27 prove that there was [no] DNA from that complaint of Kye
28 Sun (or what ever her name was) ?
- 29 12. when you wrote the speedy trial motion you mentioned
30 several leads to this case, and people that were unlocateable,
31 why didn't you follow up on the addresses my family gave
32 you, or I gave you of their location , or choose to follow
33 up on the leads of defense that that motion states ?

Question from the trial attorney (2)

7-4

54

9

1 13. when I told you that the jail had terminated the official
2 visit rights and you stated that the jail commander told
3 you that you needed to take his decision up with your boss,
4 why didn't you have the court or anyone else force the
5 jail to release this termination, knowing that you could
6 not get into the jail to discuss this case on any level because
7 of the rights termination ?

8 14. Why did you not discuss [any] tactics or defense with
9 me other than our first visit when you said that you were
10 going to test all the evidences, and this being a DNA case
11 and that most of the witnesses were dead or unlocateable,
12 that I would have to testify, and that we agreed that I
13 would testify ?

14 15. If you did state you intended to have me testify, why
15 didn't you prepare me for testifying in this trial, Procedures,
16 possible questions, rights as to what if any questions
17 that would be asked or answered ?

18 16. when you filed the motion for speedy trial, why didn't
19 you want the motion heard ? and what was the evidence that
20 you stipulated to the court was placed on the record ?

21 16

22 17. When my family gave you the 14 letters of character
23 reference, why did you lie and say you gave them back to
24 my family, when there was no need to have them back when
25 they were to be used in my defense or at the least as for
26 use of established character.

27 18. You stated during our marsden hearing that you spent
28 enough time on my case and that even though I said it was
29 less than 6 actual hours of in-person time to include all
30 of our court appearances, except for the trial, and that
31 at least it was more than the rest of your clients ? How
32 on any level did you satisfy that answer to the court on
33 this intense of a case ?

Question from the trial attorney (3)

(7-5)

9

1 19. During the trial there were witnesses that lied and
2 you failed to challenge them or enter objections. When Bruce
3 Nash lied why did you not challenge his lie ? When John
4 Sullivan lied why didn't you challenge his lie ? When Detective
5 Alexander Lied why didn't you challenge his lie ? When Daryll
6 Kramer lied why didn't you challenge his lie ? When DDA
7 Thomas mistated facts during the in-limine hearing didn't
8 you challenge his lie ?

9 20. during the trial why did you refuse to challenge the
10 fact that the states expert testified that my DNA was as
11 many as 1½ days older than this case, and bring that statement
12 forthe jury to clearly hear that My DNA was not the product
13 of this case.

14 21. you had several discussion out of my presence with the
15 Distriat attorney and the judge, why didn't you keep me
16 informed ? About the context of them conversations or even
17 allow me to participate in the decisions of topics or possible
18 defenses that were available to me, wüthput at least confering
19 with me first.

20 22.
21 There were several interruptions from the judge with regards
22 to your questioning, and these disputes of legality were
23 winnable throught the states evidence codes but you failed
24 to prepare for these disputes when you failed to conduct
25 the needed investoigations, or know the appropriate codes
26 to defend your clients interests, do you know the penal
27 and evidence code enough to defend you clients ?

28 23. Why is it that you claimed that I wanted to know so
much about this case, and to be a part of this that you
refused to be honest or forthright with me in this entire
case, stating that I wanted to call the shotds, ask the
questions, or see the evidences in their entiorety ?

Question from the trial attorney (4)

76

J P

9

1 24. why did you allow the prosecutor to alter the interrogation
2 recording without my authority or knowledge, knowing that he was
3 going to erase exculpatory evidence ?

4 25. why did you allow the interrogation recording to be placed
5 on the record without at least first verifying the authenticity,
6 on the first version after I told you that it was doctored and
7 then allow the prosecutor to alter it again and then allow it
8 in the records without the authentication ?

9 26. you told the judge that you allowed illegal drug activity to
10 be erased off of the interrogation recording, what illegal drug
11 activity are you speaking of ?

12 27. you stated to the judge that you allowed illegal criminal activity
13 to be erased off of the interrogation recording, what illegal
14 criminal activity are you speaking of ?

15 28. you are to be 100% honest in these questions, since there
16 was never any criminal or drug activity that was from my past
17 the courts have not already served sentences for, and there was
18 no activity from my past or future that had not already been
19 resolved through the courts, with regards to question 26 and 27
20 of this questionnaire.

21 29 at what point do you feel the defendant needs to be informed
22 of all matters in their defense ?

23 30 at which point did I ever discuss this case with you to any
24 conceivable degree that would allow you to make decisions without
25 my interests or informing of the possible affects of the case on
26 any level ?

27 31. You said that I told you that I gave you full authority to
28 make decisions without my knowledge or consent, when was this authority
first established and when were you comfortable lying to me ?

7-7

57

9

E28

1 32. you statdd that you were not allowed to make decisions without
2 my wanting to be involved, which decisions were these ? your
3 investigations ? your interviews ? your preparing for trial ?
4 which witnesses to subpoena ? which witnesses to question ? or was
5 it whether you should test the evidences from this case ? the
6 interrogation ? the DNA ? the DNA that was from the gregory Randolph
7 cigarette butts ? The red hair that was found on the body ? the
8 qwatchpin that the DA said came from the struggle ? or the type
of questions you should ask the witnesses ? since you said I wrote
[alot] of questions.

9 33. do you remember how many times I called your office begging
10 you to defend my case ? does your records reflect how many
11 calls you got from me ?

12 34. do you remember how many time I wrote you lengthy letters
13 begging you to defend my case ?

14 35. when you gave me the investigators phone number, and I called
15 him to discuss this case and possible leads, and he topld me
16 if I had any questions to contact you, the attorney, then refused
17 to discuss anything with me and only in a 7 minute video on
18 the jails phone, then I told you the investigator was non compl-
19 iant and you just laughed and said that he must be very busy,
20 and to be patient with him, why didn't you instruct him to comply
with my suggestions of searching for certain witnesses in the
victorville area, Leftwhich... and more ?

21 36. why did you lie to me during the trial and tell me that
22 the judge suggested to you that I need not testify, that testifying
23 would be as incriminating as it would be helpfull ?

24 37. you told me after lying to me about the judges suggestion
25 that the need for testifying, that I had three days to decide,
26 why did you tell the judge that that was my decision to not
27 testify when you just told me that I had three days to decide
28 and I had just given the note to my father to help me decide

58 EA
(9)

1 38. you stated that I wanted to make all your decisions
2 for you with regards to this case, which decisions were they....
3 In your investigations ? Who you should interview ? Which
4 witnesses to subpoena ? What questions to ask of which witness
5 durind the trial ? With regards to which evidences that you
6 gave me before the trial in the 300 pages was there a decision
7 that needed to be made ?

8 39. during the trial I know that there were several questiuons
9 that you did ask because I had you ask them, why are those
10 questions not in the trial transcript ?

11 40. Did you give permission to anybody to alter the transcripts?
12 (trial)

13 41. did you alter the transcripts that were the result from
14 this trial ?

15 42. after you altered the interrogation transcripts, admittedly,
16 you allowed the LDA Thomas to further alter them, with cut
17 any formof authentications, why did you allow him to alter
18 exculpatory evidence, impeaching evidence ?

19 43. when you interviewed or the investigator interviewed bruce
20 nash what did he tell you ?

21 44. when you or the investigator interviewed john sullivan,
22 what did he say to you ?

23 45. When you interviewed Lori Amaro or search for the records
24 the Long Beach courts would have what did you learn or discover?
25 *AND WITH NUMBER DID YOU FIRST CALL IS THERE A RECORD
26 OF THAT CALL WHERE IS IT ON RECORD AND WHEN*

27 46. when you searched or interviewed sun kye (woman from
28 texas) what were the results from the investigations ?

47. when I told you that Robert Edwards had information with
regards to this case, and I gave you one of the letters that
I had received from him, and you said that you were going
to,

Questions from the trial attorney(7)

1 go to the San Quentin prison to interview him, what were
2 the results of that interview/? or what were the results
3 of the investigators interview ?

4 48. When the jury came back [hopelessly deadlocked] and were
5 firm in their position, andd the prosecutor asked the court
6 for further closing arguements, what would your reaction
7 to that request have been had you actually stepped into the
8 courtroom and been present during that crucial moment ?

9 49. When the judge had heard the count of the jury's deadlock
10 and in which direction they were [deadlocked] and asked them
11 to continue their deliberations, what if any would your decisions
12 had been ? and for what reasons ?

13 50. When the jury agreed to deliberate for 30 more minutes
14 and before they were excused, the jury foreman stated to
15 the judge " don't woory your honop we'll get the job done",
16 what would your reactions been with the court ?

17 51. Finally, you told the courts that you mailed to me, on
18 several occaissions after the trial, evidences that I initially
19 asked for in the beginning of our relationinship, That you
20 mailed several packages from those mailings, I need the recorded
21 log of those mailings, and for them to reflect the actual
22 amount that those mailiungs came to and on which dates ?

23 This is a matter of formal request to allow the trial attorney
24 Dave Sanders a chance to explain his actions or lack thereof
25 with regards to his representation of JOHN HENRY YABLONSKY
26 and case # FVI 900518 for the murder trial that was conducted
27 in the Victerville Branch of the California State Superior
28 Courts. This request demands an expedited response since
the courts have two separate and active cases that refer
to this line of questioning.

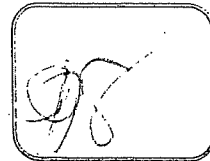
Questions from the trial attorney (8)

7-10

E31
J10

9

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

DISCOVERY
REQUEST TO
COUNSEL
7-19-14

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

John Henry Yablonsky AL-0373
Box 8500
Palo Alto, Ca. 943210

Inquiry No. # 14-17946

Date : July 19, 2014

Re: DISCOVERY per Pen.C. §1054.9(a)

Re: Sanders;

I have repeatedly asked for this discovery over the last several years, while you were appointed counsel and more demands came later after I had found out you intentionally withheld them from me. Now after the Bar Association gets involved you send me another some 200 hundred pages of different material except for the (two of the three) interrogatoin transcriptions, which prove the evidence you presented as true and accurate to the jury was in fact false. I have taken the liberty to send you a questionnaire, that you must answer.

This makes it 2400 hundred pages of the discovery you have given me when the first 300 you gave and said the 300 was all there is, then after trial gave me 1300 more ????

I am asking for the last time for the evidence to my case [PLL] and send me the originals. I want the letters my family gave you of my buisness associates and developers of our community.

This includes the evidence that Canty ordered on March 17, 2009, well as the discovery you declare in your notes, see attached.

You are in intentional breech of your fiduciary obligations as attorney, and along with the other constitutional errors you conspired to violate incompetently with the prosecutor, are accumulating at a very fast pace. I am innocent and you did nothing to protect my rights much less my innocense.

You are hereby in violation of Euis. & Prof. §§ 6077, 6068(c)(10), 57, 6103, and extreme violations to 6106 and 2404. I am notifying the Bar in compliance of E & P § 6093.5 that you are in direct violation to penal code section 1054.9 (a).

You do not deserve to stand in a court room as an attorney, but maybe a defendant would be more appropriate ???

SEND ME MY DISCOVERY NOW

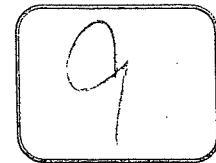
THE LIST YOU WERE MAILED ON JUNE 14, 2014 WILL BE SUFFICIENT

the applied authorities, Sanders has again failed compliance.

Date 7/19/14 Respectfully submitted :
[Signature]

8
9
8-1-120

EXHIBIT COVER PAGE



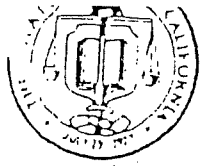
EXHIBIT

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY



OF CALIFORNIA

145 SOUTH WILMINGTON STREET LOS ANGELES, CALIFORNIA 90017

INTAKE

Date Dauphine, Assistant Chief Trial Counsel

TELEPHONE (213) 765-1200
FAX (213) 765-1204
http://www.caltbar.org

June 3, 2014

John Yablensky CDC# AL0573
PO Box 8500
Coalinga, CA 93210

JUNE 2014

BENIGN
APPELLATE
HABEAS DENIED

RE: Inquiry Number: 14-17946
Respondent: David Sanders

Dear Mr. Yablensky:

An attorney for the State Bar's Office of the Chief Trial Counsel has reviewed your complaint against David Sanders to determine whether there are sufficient grounds for proceeding to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct.

You have alleged that David Sanders was the deputy public defender in your criminal matter and that you have requested your client file but that he has not released your documents to you. We hope to resolve this matter by bringing your complaint to the attorney's attention.

We have advised Mr. Sanders to contact you within ten (10) working days from the date of this letter, to make arrangements to return your client file. Under the Rules of Professional Conduct, the attorney is not required to mail or deliver the file to you. You and the attorney must decide whether the file will be mailed or picked up from the attorney's office, either by yourself or someone whom you authorize to pick up the file for you.

Should Mr. Sanders fail to contact you within the specified time, please contact the Intake Unit of the State Bar of California at: 845 S. Figueroa Street, Los Angeles, CA 90017, (213) 765-1200. At that time, we will determine if further action is needed.

Unless we are notified the attorney has not made your client file available, your complaint will remain closed.

Thank you for bringing your concern to the attention of the State Bar.

Very truly yours,

William Straika
William Straika
Deputy Trial Counsel

WSJA

EXHIBIT
1411

DELIVERED ON
JULY 22, 2014
FROM P. D. OFFICE
IN VICTORVILLE
OF 1600. PAGES 2400
REMAINS 300
WITH 2014 300
C.F. OF THE
STILL

9-1
RUC (14) 23
1434
E9
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EXHIBIT COVER PAGE

10

EXHIBIT

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

AL0373	YABLONSKY	HSNG	SENDEK	DATE	C/O SIGN	I/M SIGN
		A2 216U	LEVIAN LAW 1875 CENTURY PARK EAST LA, CA 90067	7/3/2014		
		A2 216U	LEVIAN LAW 1875 CENTURY PARK EAST LA, CA 90067	7/15/2014		
		A2 216U	VICTORVILLE PUB DEPT 14344 CAJON AVE VICTORVILLE, CA 92392	7/18/2014		
		A2 216U	SAN FRAN SUPREME COURT 350 MCALLISTER SF, CA 94102	7/21/2014		
		A2 216U	VICTORVILLE PUB DEPT 14344 CAJON AVE VICTORVILLE, CA 92392	7/22/2014	1500000000 DORIS FAY ASST ST. ANTHONY	
		A2 216U	OVGRS OFFICE OF VICTIM & SURVIVOR RIGHTS & SERV POB 942883 SAC, CA 94283	7/22/2014		
		A2 216U	LEVIAN LAW 1875 CENTURY PARK EAST LA, CA 90067 OPT REID IN ENCOR	7/29/2014	250 56 16-09 250 3-11 1300 7-22-11	
		A2 216U	SAN FRAN SUPREME COURT 350 MCALLISTER SF, CA 94102	7/29/2014	1600 800 16 J STANLEY MIS	
		A2 216U	PILRS LAW OFFICES 505 BROADWAY SF, CA, 94133	7/31/2014		
		A2 216U	FRESNO USDC 2500 TUTARI ST. FRESNO, CA 93721	8/4/2014		
		A2 216U	LEVIAN LAW 1875 CENTURY PARK EAST LA, CA 90067	8/19/2014		
		A2 216U	SAC ATTY GEN POB 944255 SAC CA 94244-2550	9/3/2014		
		A2 216U	LEVIAN LAW 1875 CENTURY PARK EAST LA, CA 90067	9/11/2014		
		A2 216U	VICTORVILLE SUP CRT 14455 CIVIC DR VICTORVILLE CA 92392	9/11/2014		
		A2 216U	FRESNO USDC EASTERN DISTRICT FRESNO, CA 93721	9/11/2014		

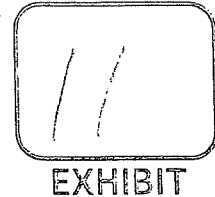
3 PD RELEASE
FROM COUNSEL
5 YEARS AFTER
ARREST + 1ST IN
AND STILL NOT
ENTIRE FILE REQUEST

QVSN

PRINT NAME OF STAFF ISSUING MAIL

10-1

EXHIBIT COVER PAGE



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- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

H. Charles Smith
Attorney at Law
550 Orange Street, Suite B
Redlands, Ca 92374
(909) 307-9913
(909) 307-9916 Fax

January 29, 2016

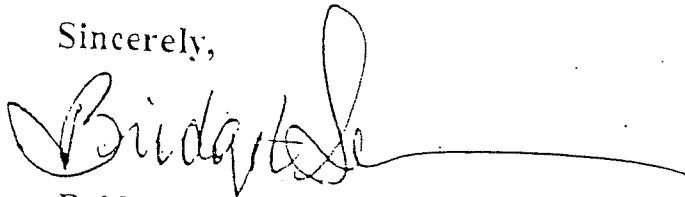
John Yablonsky #AL0373
Inf. #7
Box 5001
Calipateria, Ca

In re: Case #FVI900518

Dear John,

Please find enclosed your entire case file. We have not retained any
copies of your case for our records.

Sincerely,


Bridget Swanson

NOT RELEASED
4500 PAGES DISCOVERED
4 YEARS AFTER
SENTENCING AND OVER
450 MOTIONS, LETTERS
WRITS OF HABEAS
LATER???

AEDPA
CERTAINLY DID NOT
HAVE THIS IN MIND
WHEN THEY DETERMINED
FAILURE TO DEVELOP
STATE RECORDS

§2254(d)(2)
CULLIN V. PINHOLSTER (11)

NO FULL + FAIR OPPORTUNITY

FAILURE TO GRANT MOTION RULE 6(a) IS AN ABUSE!!

(11-1)
~~RULE 6(a) 28~~ IT3 (13)

EXHIBIT COVER PAGE

12

EXHIBIT

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- UNITED STATES SUPREME COURT
- GRAND JURY

SECTION 187	CRIME MURDER	CLASSIFICATION STRANGULATION	
VICTIM'S NAME - LAST NAME COBB		FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MABLE
ADDRESS 35345 Hwy 18, Lucerne Valley, CA		<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS
Page 8		PHONE () 248-7584	

INTERVIEW: JOSEPH BACON SAUNDERS (Continued)

to a platonic relationship and if he wanted to stop by. He stated he did not comply, however, he got in his vehicle and went home. He stated the time he believes was about 6:30 in the evening. *RITA DID NOT SHOW UP UNTIL AFTER 7 PM.*

I asked Mr. SAUNDERS if he did anything or anyone saw him when he went home. He stated no, that he did not receive any phone calls nor did he call anyone. He stayed home all evening long.

I asked him, in regards to the glass of water that he had inside the residence, if he went to any of the bedrooms or any of the other rooms in the residence. He stated he did not. He only stayed near the table, and I asked him if any of his fingerprints would be found in any other room other than the glass that was in the kitchen, and possibly on the table. He stated that that's the only place that I was.

At this point in time he started crying again. We then asked Mr. SAUNDERS where he had lived prior to Lucerne Valley. He stated that he had lived in Big Bear for about a year and before that he lived in Venice in Los Angeles.

I asked Mr. SAUNDERS if he had ever had sex with RITA COBB. He stated that he hasn't and they had never even talked about sex.

Before the end of the interview Mr. SAUNDERS stated that he had previously been a screen writer in the L.A. area, however, it didn't work out for him and he came to the Lucerne Valley area where he is now an inventor. He is in the process of inventing a filing type system.

We then asked him to submit to and to give us fingerprints from himself. He complied. The interview with Mr. SAUNDERS was completed.

12-1

REPORTING OFFICERS WOODS, Det. W2108		DATE 9-26-85	REVIEWED BY <i>[Signature]</i>	TYPED BY jo 00397	ROUTED BY	DATE
SECTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS <i>25</i>		

HIFF'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

DR 1331036-07

REPORT AREA

63
146

SECTION PC 187	CRIME MURDER	CLASSIFICATION STRANGULATION
TIM'S NAME - LAST NAME COBB	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MABLE
ADDRESS 35345 Hwy 18, Lucerne Valley, CA	RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/>	PHONE () 248-7584

Page 7

INTERVIEW:

The following interview conducted at approximately 1104 hours, Tuesday, 9-24-85, with SAUNDERS, JOSEPH BACON, white male, 52, DOB 10-28-32, address of 38260 Mechleis Rd. in Lucerne Valley, phone number 248-6529. He states he's self employed.

Mr. SAUNDERS states that he drives a Ford Econoline van, cream in color with a red band. Mr. SAUNDERS also states that he's been in the Lucerne Valley for approximately ten months to a year. We asked him his relationship with RITA. He stated that he'd only met her (one time) at a get together and that the last time that he had seen her was on Friday on 9-20-85. He states that the time of day was about one hour before sundown. He stated that he stopped by RITA's residence and he parked out on the highway and walked to the residence. The residence sits approximately 100 yards from the highway. He states that they went inside the residence, into the dining room type area off the kitchen, and he states they sat there. He drank a glass of water and then she received a phone call. He stated the first phone call he knows was from JOHN SULLIVAN and his girlfriend PINKY and they were invited up to pick pistachio nuts. He stated that another call occurred about 15 to 20 minutes later and that he stepped outside. He does not know who that phone call was from. He stated that RITA stated that she had to change clothes prior to going up to JOHN and PINKY's and that he stated that he was gonna go on up. He stated he left and went up to JOHN SULLIVAN's house and a short time later she showed up wearing designer type jeans and a blue blouse, button up the front, unknown if she had any jewelry. She stated that beforehand, before she changed clothes she had a blue type dress on with puffy type shoulders.

AP Hill
10/24

NOBODY RECALLS SEEING HIM @ SULLIVAN'S FRANCESCA WHO SAID HE ARRIVE AT RITA

SOO IF HE DONT KNOW HER

He stated before Friday he had seen her last Sunday at a party. At this point in time he started to cry violently and as soon as I asked him another question he turned, stopped crying, and answered the question.

He stated they picked pistachio nuts for about 20 to 30 minutes and that during this time he noticed that RITA, JOHN and PINKY were drinking beer. He states they went inside the residence and sat down for awhile. He stated he had to go and he stated that he went home, however, he back tracked and stated that as soon as he walked out to his vehicle to drive home that RITA followed him out. He stated that RITA was acting somewhat nervously and made the statement to himself that she would not object.

REPORTING OFFICERS WOODS, Det. W2108	DATE 9-26-85	REVIEWED BY [Signature]	TYPED BY jo 00397	ROUTED BY	DATE
SECTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PO <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS So His INTENTION WAS... 12-2	

County of San Bernardino
California
CA 03600

REPORT AREA

66
141

SECTION PC 187	CRIME MURDER	CLASSIFICATION STRANGULATION
PERPETRATOR'S NAME - LAST NAME COBB	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MABLE
ADDRESS 35345 Hwy 18, Lucerne Valley, CA	<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE () 248-7584

Page 8

INTERVIEW: JOSEPH BACON SAUNDERS (Continued)

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I asked Mr. SAUNDERS if he had ever had sex with RITA COBB. He stated that he hasn't and they had never even talked about sex.

~~THE WHY DID RITA TALK ABOUT A PLATONIC RELATIONSHIP~~
Before the end of the interview Mr. SAUNDERS stated that he had previously been a screen writer in the L.A. area, however, it didn't work out for him and he came to the Lucerne Valley area where he is now an inventor. He is in the process of inventing a filing type system.

We then asked him to submit to and to give us fingerprints from himself. He complied. The interview with Mr. SAUNDERS was completed.

*WHY
WHAT WOULD COBB SUGGEST PLATONIC UNLESS
SAUNDERS INTENT WAS SEXUAL, HOW LONG WERE THEY
SEXUALLY INVOLVED? WHY WAS HE PERSUADING HER?*

SULLIVAN DID NOT SEE SAUNDERS
BUT SEEN COBB ARRIVE AT 6 PM

REPORTING OFFICERS WOODS, Det. W2108	DATE 9-26-85	REVIEWED BY <i>[Signature]</i>	TYPED BY jo 00397	ROUTED BY <i>[Signature]</i>	DATE
<input type="checkbox"/> NO <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD, PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS 12-3 <i>[Signature]</i>		

FF'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

DR# 1331036-07

67
 142

CODE SECTION PC 187	CRIME MURDER	REPORT AREA CAR. OUTSIDE HOUSE TO VISIT WHEN
VICTIM'S NAME - LAST NAME COBB, RITA M.	FIRST NAME MURDER	CLASSIFICATION FROM THE HIGHWAY
ADDRESS	RESIDENCE 80 YARDS WAS UP HILL LOOKING FOR HER HOUSE	MIDDLE NAME UPHILL OF NOWHERE
PAGE 5	WHO OF DRIVE WAY IN THE MIDDLE QUESTION DENIES	PHONE ()

INTERVIEW WITH SAUNDERS, JOSEPH BACON WMA 52 yrs DOB 10-28-32 38260 NEEHLEIAS RD, LUCERNE Valley, phone 619/248-6529, Mr. Saunders is self-employed at the above mentioned phone number:

At approx. 1640 hrs., Monday 9-23-85 I interviewed Mr. Saunders outside the exterior boundary line of the crime scene.

Mr. Saunders stated the following. He has known the victim since meeting her at a party at a neighbors house identified as John Sullivan approx. 8 months to a year ago. And at that time Rita Cobb was dating a guy by the name of FRED. The next time he'd met the victim, she invited him to John Sullivan's birthday party which was approx. 4 months. Saunders stated he declined and didn't go. His next meeting with Rita Cobb was on 9-15-85 when he met her at a going away party for an individual by the name of Steve. He stated that the party was held at Linda's house who lives on Highland Ave., in Lucerne Valley. I asked him who Steve and Linda were, he stated that he did not know Steve's last name and only knew that Linda worked at Lucerne Valley Post office. He also stated that while at the party he did not see the victim with any companion. I asked him if he'd gone to the party with Rita Cobb, he stated that he had not. The next meeting of Rita was on Friday 9-20-85, Saunders stated that he was driving southbound on highway 18 when he saw the victim's vehicle parked outside of her residence. He stated that he had learned to see what type of car she had and when he saw it out there he knew she was home. He then parked his vehicle out on the roadway, walked up to her house where he met her on the front porch. I asked him again where her vehicle was parked at that time, he stated it was not in the garage but on the dirt incline just east of the garage. He then stated that he talked to the victim for about 30 minutes during which time, she'd invited him into her home and given him a glass of water while they were seated at the dining room table. I asked him what they talked about, he said they talked about his academic credentials. I then asked him what type of glass he drank the water from, he stated it was a transparent glass and that she'd taken ice from the refrigerator to put into the glass. He then stated she was talking about her own situation and that she was going to have to sell the house because she couldn't keep up with it. She then told Saunders that after FRED left she didn't like living there.

She also talked about her deceased husband and about her dog. He stated that during this period of time that the phone had rang twice, and that she had said who was on the phone but he didn't remember other than the second telephone call being from an individual identified as Pinky. He stated that the first time she was only on the telephone for about 1 minute then hung up, the second time she was on the telephone with Pinky and she talked for approx. 5 minutes, after which time she asked him if he wanted to go pick pistachio's up at John's and Pinky's home. He then added that the curtains, drapes were open because he remember's her saying prior to Pinky's telephone call "there goes Pinky" pointing out at the roadway and

HE WAS NEVER INVITED BY RITA, WHY? DID SHE HAVE REASON TO FEAR HIM!

REPORTING OFFICERS APP K0822	DATE 9-27-85	REVIEWED BY	TYPED BY fj	ROUTED BY	DATE
OTHER ACTION:] YES [NO	COPIES TO: [] Detective [] Dist. Atty.	[] SD/PP [] CII [] Patrol	[] Other [] Other	REMARKS: (12-4) R 56	

OFFICE'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

DR# 1331036-07

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REPORT AREA

OFFICE SECTION PC 187	CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME COBB, RITA M.		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

PAGE 6

she'd also stating to him, it sure it nice to know the people up the road After the telephone call from Pinky, he stated that he left agreeing with Rita to meet her up at John's and Pinky's home at Mini Springs Ranch to pick pistachio's. He stated he was to take his vehicle and she was to take hers, after she changed from her work clothes. I asked what type of clothes she was wearing at that time, he said that a blue or red dress, it was a primary color with puffs around the sleeve. He said the next thing that happened is they met at John's and Pinky's house at Mini Springs Ranch about 1/2 hr before sunset and at that time Rita was wearing designer blue jeans a blue short sleeve blouse and unknown type of foot wear. They all met out in the pistachio grove where they picked pistachio's for a short time, then going back into John's and Pinky's home, sat around the table and talked about square dancing and baseball. He stated he only stayed for another 30 minutes and then he left going home where he remained the rest of the night.

I asked Mr. Saunders if he'd seen Rita consuming alcoholic beverages at John's and Pinky's he stated yes she may have been having a bourbon and water. I then asked if she appeared to be intoxicated, he stated no. The interview was then terminated with Mr. Saunders as he could offer nothing further of investigative value during the preliminary investigation.

EVERY ONE AT THE PARTY SAID SHE WAS TOO DRUNK, THIS MAN SAYS DIFFERENT

* TELLING THIS STRANGER SHE'S NOT ALONE

12

REPORTING OFFICERS APP K0822	DATE 9-27-85	REVIEWED BY	TYPED BY fj	ROUTED BY	DATE
SEARCHED	INDEXED	<input type="checkbox"/> SD/PD	<input type="checkbox"/> Other	(12-5) 51	
YES <input type="checkbox"/> NO	<input type="checkbox"/> Detective	<input type="checkbox"/> Ctl	<input type="checkbox"/> Other		
	<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol			

67

30+

County of San Bernardino
California
CA 03600

DR 1331036-07

REPORT AREA

34

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SECTION PC 187	CRIME MURDER	CLASSIFICATION			
VICTIM'S NAME - LAST NAME COBB		FIRST NAME RITA	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS		<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE	

INVESTIGATIVE LEAD:

On 2-3-86, I was advised by Sergeant BAKER of the Sheriff's Homicide Detail that he had been in contact with Sergeant QUINTARD of the Lucerne Valley Station, and that Sergeant QUINTARD had advised him that a subject named JOSEPH SAUNDERS had committed suicide on January 24, 1986. Sergeant QUINTARD was aware of the fact that Mr. SAUNDERS was an acquaintance of RITA COBB and stated that there was no apparent reason for the suicide. The possibility does exist that the suicide was committed because of acts taken against RITA COBB. I was assigned by Sergeant BAKER to then look into the possibilities of obtaining blood samples for comparison with any samples that the Crime Lab currently had with them to either eliminate or to identify Mr. SAUNDERS as a possible suspect. I was further advised that Deputy Coroner MARSHALL FRANEY was in possession of a handwritten log written by JOSEPH SAUNDERS in which he had kept a running diary of his actions. *W HAS WAS ON LOG*

*THIS IS A
SERIOUS MATTER
ALSO BEING
HANDLED BY
THE
LAB*

SAUNDERS SUICIDE

CONTACT WITH ROOT LABORATORIES:

On 2-5-86, at approximately I went to the ROOT LABORATORIES in San Bernardino and there made contact with a GREG OLSEN who is a technician at that facility and advised him that I needed a sample of blood taken from the autopsy conducted on JOSEPH SAUNDERS. We then checked the records and found that the autopsy conducted on JOSEPH SAUNDERS was number 122-86. Mr. OLSEN then drew off some of the blood that was available and placed it into a container and presented it to me.

DELIVERY OF BLOOD TO CRIME LAB:

At approximately 1115 hours on 2-5-86, I took the vial of blood that I had obtained from the ROOT LABORATORIES to the Sheriff's Crime Lab and submitted it as Item C of the laboratory report.

CONTACT WITH DEPUTY CORONER FRANEY:

On 2-5-86, at approximately 1400 hours, I contacted Deputy Coroner FRANEY at the Barstow Sheriff's Substation and at that time Deputy Coroner FRANEY presented me with a Xerox copy of the journal written by JOSEPH SAUNDERS. I also received a Xerox copy of the will written by JOSEPH SAUNDERS.

EXHIBIT D (5)

REPORTING OFFICERS MC COY, Det. M1384	DATE 2-7-86	REVIEWED BY	TYPED BY CP P1786	ROUTED BY	DATE	
HEAR ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input checked="" type="checkbox"/> <i>FRANEY</i> <input type="checkbox"/> Other	REMARKS (12-6) <i>12</i>		

*26 HC
1062 TO PROVE DET. ALEXANDER LIED ON THE STAND
AND SUSP. INVOLVEMENT WITH*

38 HC

74001 74
147

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT
CRIMINALISTICS LABORATORY

REQUEST FOR PHYSICAL EVIDENCE EXAMINATION

DIRECTIONS: Please TYPE or PRINT CLEARLY ALL information on both sides of this form PRIOR to submitting evidence to the Laboratory. ALL physical evidence submitted to the Laboratory for examination must be accompanied by a completed form with the EXCEPTION of (1) narcotics evidence, (2) Blood/Urine Alcohol Kits, and (3) Marijuana Citation Kits.

Please telephone the Laboratory if there is a change in the status of the case or there is additional information pertaining to the case that should be made known to the Laboratory.

Requesting Agency 2-5-86 Agency Case No. 1331036-07

Date of Request 2-5-86 Date of Offense _____ Offense PC 187

Date/Time of Evidence Collection 12-25-86 Collected By [Signature]

Victim(s) (Last Name First)	No. 1 <u>Cole, R. TA</u>	Suspect(s) (Last Name First)	No. 1 <u>CHAIN OF CUSTODY EVIDENCE</u>
	No. 2 _____		No. 2 _____
	No. 3 _____		No. 3 _____
	No. 4 _____		No. 4 _____

Brief Summary of Case Circumstances (Indicate where evidence was found and/or collected):

VICTIM SEXUALLY ASSAULTED & MURDERED.

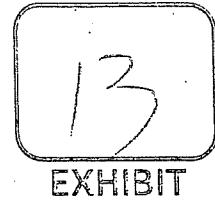
TO COMPLETE A CHAIN OF CUSTODY UNKNOWN IS INSUFFICIENT

Description of Evidence:

Item Designation (A, B, C, etc.)	Brief Description (Package and Contents)
<u>C</u>	<u>Blood Sample From Sir Swunders. Poss Suspect</u>

12-7

EXHIBIT COVER PAGE



Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

RIFF'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

CASE NO.
 DR# 1331036-07
 REPORT AREA

CODE SECTION PC 187	CRIME murder	CLASSIFICATION
VICTIM'S NAME - LAST NAME Cobb, RITA	FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

INTERVIEW NASH, BRUCE KENNETH WMA 36 yrs, DOB 3-7-49, 9560 Palomar Trail, Lucerne Valley, home telephone 619/248-6745, Mr. Nash is self-employed:

At approx. 1715 hrs., Monday 9-23-85 Mr. Nash was interviewed on the roadway of highway 18 in the exterior side of the boundry protecting the crime scene.

Mr. Nash stated that he'd known the victim for approx. 3 to 4 years and he met her through John Sullivan a mutual friend. Nash also stated that he and his wife Cynthia had visited with the victim possibly 20 to 30 times over the last 3 year period. And he had last seen the victim while he and Cynthia were at John's Sullivians house on last Friday 9-20-85.

He went on to add it was approx. 1930 to 1945 hrs., when he and Cynthia were at Johns residence where they saw Rita Cobb consuming Jim Beam Bourbon. Bruce and Cynthia Nash left the Sullivan residence at approx. 2145 hrs., leaving Rita Cobb there consuming Jim Beam. Mr. Nash stated that Rita appeared to be a little "buzzed" and infact he and his wife had offered her a ride home because they did n't think she should be driving.

Asked if Rita appeared to be belligerent he stated no, she's just a very lonely woman that is looking for a man, she could share her life with. I then questioned Mr. Nash as to what he had last seen Rita wearing, he responded by saying she was wearing designer blue jeans and thats all he could remember. He also stated that she had a new boyfriend by the name of Bruce Lee and she'd mentioned that she was excited about him. Mr. Nash stated that Rita also visited local travens in the area some of which were the Moose Lodge, VFW, and Zodiac Lodge. Mr. Nash could offer nothing further of investigative value and this parliminary interivew was then concluded.

(24)

REPORTING OFFICERS R APP K 0822	DATE 9-27-85	REVIEWED BY	TYPED BY fj	ROUTED BY	DATE
REPORT ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS 13-1 D1	

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO. 116
 DR 1331036-07
 REPORT AREA 19
 H 100-85

Page 1

SECTION PC187	CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
ADDRESS		PHONE
RESIDENCE		

OTHER STATEMENT: Bruce Nash

On March 11, 2009, at approximately 1315 hours, Detective Robert Alexander and I interviewed Bruce at his residence. Bruce was at Many Springs Ranch with Rita Cobb when she was last seen alive. On March 8th, 2009, we arrested Yablonsky for the murder of Rita Cobb. The purpose of the interview was to find out if Bruce knew John Yablonsky and if he had any further information to provide since his last statement in 1985. We asked Bruce numerous questions and the following is a summary of his audio recorded statement.

Bruce liked Rita and described her as a fun lady to hang out with. Bruce met Rita through John Sullivan. Bruce hung out with Rita at Many Springs Ranch and at Rita's house. John was the care taker for Many Springs Ranch. Rita had a ping pong table at her house and they played one another from time to time.

Bruce last saw Rita when she arrived at Many Springs Ranch that Friday evening in 1985. Present at the Ranch were Rita, John Sullivan (Bruce's brother-in-law), Francesca Sullivan (Bruce's sister), Cynthia Hooper (Bruce's girlfriend) and him. Everyone was drinking alcohol except for Cynthia and Bruce. Rita was intoxicated and slurred her speech.

Bruce recalled that it was pleasant outside that Friday night. Cynthia and he drove to Many Springs Ranch in their green Ford Pinto station wagon arriving at about 8pm. Rita arrived in her Cadillac. Bruce could not recall if Rita arrived before or after Cynthia and him. While at the ranch Rita drank alcohol, possibly some White Lightening (190 Proof). Cynthia and he were sober. Rita generally drank wine and John and Francesca drank beer.

They all hung out together at the ranch until about 9 PM or 10 PM. Rita was good at holding her alcohol but that night she seemed more intoxicated than she usually gets. Rita was having a good time but was slurring her speech. Bruce was concerned for Rita because he did not think she was able to drive home safely. Bruce told Rita he was going to drive her home while Cynthia followed behind them. At no other time when they drank together in the past did Bruce ever have to offer Rita a ride home.

NASH NEVER SAW SAUNDERS BUT RECALLS COBB ARRIVING AT PARTY

SAUNDERS NEVER SEEN AT PARTY?

AFTER TRIAL

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY FM	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Other Detective Dist. Atty.	SD/PD Cij. Patrol	REMARKS 13-2 62		

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**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR 1331036-07

REPORT AREA

H 100-85

Page 1

SECTION PC187	CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

OTHER STATEMENT: Bruce Nash

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*NASH SEEN COBB
ARRIVE - NEVER SEEN SANDERS*

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SANDER NOT SEEN AT ANY WAY?

Bruce recalled that it was pleasant outside that Friday night. Cynthia and he drove to Many Springs Ranch in their green Ford Pinto station wagon arriving at about 8pm. Rita arrived in her Cadillac. Bruce could not recall if Rita arrived before or after Cynthia and him. While at the ranch Rita drank alcohol, possibly some White Lightening (190 Proof). Cynthia and he were sober. Rita generally drank wine and John and Francesca drank beer.

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AFTER TRIAL *B*

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY <i>Fr</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: - Detective - Dist. Atty.	Other CII Patrol	SD/PD Other	REMARKS <i>(13-3) 63</i>	

E43 *(L3)*

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

Page 2

CASE NO.

DR 1331036-07

REPORT AREA

H 100-85

SECTION PC187	CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
(FIRM NAME IF BUSINESS)		
ADDRESS	RESIDENCE	PHONE

Interview Continued: Bruce Nash

Rita was adamant that she was fine and could drive herself home. When Bruce pressed her to allow him to drive her home she refused his offer. Rita even made the comment that she was thinking about going to the Zodiac Bar or somewhere else before going home. Bruce saw Rita drive away in her Cadillac and Cynthia and he drove home. That left John and Francesca at the ranch. Today Bruce could not recall what Rita wore that night.

Alexander asked Bruce to tell him about Rita's boyfriends, friends, social life, and career. Bruce said Fred Bedard and Rita dated for a year or so before breaking up. They broke up about six months before Rita was killed. Bruce did not recall Rita dating anyone at the time of her death. Bruce did not know what type of guys Rita preferred or what her social life was like. John Sullivan and Art Bishop (deceased) seemed to be Rita's good friends. Rita worked for the Spring Valley Lake Country Club as a secretary.

On Monday, Francesca, John, and he went into Victorville for some reason. When they returned to Lucerne Valley they saw police cars at Rita's house. When they stopped Daryl (Rita's son) ran to their car and told them someone killed his mother. Bruce put his arms around Daryl and comforted him. Daryl was quite distraught.

Alexander asked Bruce if he had any knowledge that Rita had rented her back house out at any time. Bruce said no. Bruce then recalled that Rita may have rented it out to Fred Bedard at one time or another.

Alexander showed Bruce a photograph of John Yablonsky. Bruce said he does not know John Yablonsky, but he does know a George Yablonsky. George and he rode horses together a long time ago. Bruce recalled George told him back then he was trying to get one of his sons into the family business. George introduced that son to him, but Bruce does not recall what he looked like. George was frustrated with his son because he was a flake, meaning he could not depend on him.

Rita had a personalized license plate of "ST James." James was the name of her deceased husband. Rita always said James was a Saint to her.

AFTER TRIAL 13

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY <i>EM</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Other Detective Dist. Ally.	SD/PD CII Patrol	REMARKS <i>(13-4) 64</i>		

ESH (L4)

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.

DR 1331036-07

REPORT AREA

H 100-85

Page 3

SECTION PC187	CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

Interview Continued: Bruce Nash

Bruce said he made some repairs to Rita's house once in awhile. One time he replaced the thermostat in her house. Bruce made the repair before Rita and her son Daryl had stopped communicating with each other.

I asked Bruce if he saw or spoke to Rita from the time he saw her leave the Ranch that Friday evening until the time Daryl told him Rita had been killed. Bruce said no. Bruce also indicated he had not received any messages from Rita over the weekend.

Bruce did not have any further information to provide and his interview was concluded at 1400 hours.

AFTER TRIAL

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY <i>FW</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Other Detective Dist. Atty.	Other CII Patrol	SD/PD Other	REMARKS (13-5)	6/5/15

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EGS *LS*

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

Page 2

CASE NO. 279
 187
 DR 1331036-07
 REPORT AREA 192
 H 100-85

SECTION PC187	CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME FIRST NAME MIDDLE NAME		(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

Interview Continued: Bruce Nash

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AFTER

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY EM	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Date/Div Dist. Atty.	Other CII Patrol	SD/PD Q/Div	REMARKS 13-6 6/6 13	

E76

(66)



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR: John Yablonsky

CASE No: FVI900518

CHARGE(s): PC 187

REPORT TYPE: Interview / Contact

DATE(S) OF INVESTIGATION: 12/09/2009

INVESTIGATOR: Mapula

DATE REPORT PREPARED: 12/10/2009

ASSIGNED DPD: Sanders

SUP. INVESTIGATOR: Mapula

W - Witness | RP - Reporting Person | V - Victim | C - Complainant | S - Suspect | NP - Named Person | INF - Informant | OTH - Other

W	NAME: Bruce Nash AKA: DOB: DL: PHYS:	ADD 1: 32323 Carnelian Lucerne Valley ADD 2: PHN 1: 760-900-0702 PHN 2: 760-248-7947
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:

*AFTER
TRIAL*

13

13-7

*67
(67)*

5/1/29 15436

NARRATIVE

I talked with Bruce Nash on 12-9-09 regarding this incident. I identified myself to him as a San Bernardino County Public Defender Investigator and he agreed to talk with me about this case but asked that I call him back on 12-10-09. I called him again on 12-10-09 and talked with him about this case.

I asked Nash if he remembered when he last saw Rita Cobb before her death. He said he thinks it was on Friday night of the weekend of her death. He told me that was at John Sullivan's house. Sullivan is Nash's brother-in-law. There was a get-together at Sullivan's house and Rita Cobb was there. He said she did not have a date or companion that had accompanied her.

SAUNDERS WAS NOT SEEN AT PARTY EVEN THOUGH HE SAID (SAUNDERS) SEEN HER ARRIVE.

I asked Nash if he knew who, if anyone, Cobb had been dating or seeing regularly before her death. He said he thought it was somebody from Spring Valley Lake but said he could be wrong about that. He could not remember a name at all. He said he seemed to remember Cobb telling him she had been seeing someone. Nash thought that maybe the person Cobb had been seeing had something to do with Spring Valley Lake.

I asked Nash if he had any opinion as to Cobb's reputation with men. He said his "impression" is that she did, at times, go home with a man after having drinks at one of the bars in town. He did not know if that was a fact or not. Nash also told me he never knew Cobb to be a "mean drunk" at all. He said he never saw her like that. He told me she did have a strong personality and would often speak her mind, but was not a mean or aggressive person.

I asked Nash if he noticed anything suspicious or out of the ordinary at or around Cobb's residence just prior to her death. Nash told me he did not live close to Cobb at the time of her death so he would not have any information as far as anything suspicious around her house. I also asked Nash if he knew, or had heard of, Helen Brooks of Apple Valley around the time of Cobb's death. He did not know the name at all.

Nash told me Fran Sullivan is his sister. He said he did not know of anyone that came to mind that might have any information regarding this incident.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No
PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No
EVIDENCE CONTROL NUMBER(S):

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 12/10/2009.

<< NOTHING FOLLOWS >>

AFTER TRIAL

13-8

ETS

TS

68 LS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
DR 1331036-07
REPORT AREA
H 100-85

Page 2

SECTION PC187		CRIME MURDER	CLASSIFICATION FELONY	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE	

Interview Continued: Bruce Nash

Rita was adamant that she was fine and could drive herself home. When Bruce pressed her to allow him to drive her home she refused his offer. Rita even made the comment that she was thinking about going to the Zodiac Bar or somewhere else before going home. Bruce saw Rita drive away in her Cadillac and Cynthia and he drove home. That left John and Francesca at the ranch. Today Bruce could not recall what Rita wore that night.

Alexander asked Bruce to tell him about Rita's boyfriends, friends, social life, and career. Bruce said Fred Bedard and Rita dated for a year or so before breaking up. They broke up about six months before Rita was killed. Bruce did not recall Rita dating anyone at the time of her death. Bruce did not know what type of guys Rita preferred or what her social life was like. John Sullivan and Art Bishop (deceased) seemed to be Rita's good friends. Rita worked for the Spring Valley Lake Country Club as a secretary.

On Monday, Francesca, John, and he went into Victorville for some reason. When they returned to Lucerne Valley they saw police cars at Rita's house. When they stopped Daryl (Rita's son) ran to their car and told them someone killed his mother. Bruce put his arms around Daryl and comforted him. Daryl was quite distraught.

Alexander asked Bruce if he had any knowledge that Rita had rented her back house out at any time. Bruce said no. Bruce then recalled that Rita may have rented it out to Fred Bedard at one time or another.

Alexander showed Bruce a photograph of John Yablonsky. Bruce said he does not know John Yablonsky, but he does know a George Yablonsky. George and he rode horses together a long time ago. Bruce recalled George told him back then he was trying to get one of his sons into the family business. George introduced that son to him, but Bruce does not recall what he looked like. George was frustrated with his son because he was a flake, meaning he could not depend on him.

Rita had a personalized license plate of "ST James." James was the name of her deceased husband. Rita always said James was a Saint to her.

REPORTING OFFICER DET. G. MYLER (M4285)	DATE 03/12/09	REVIEWED BY <i>EM</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Other Detective Dist Ally.	Other CII Patrol	SD/PD Other	REMARKS <i>1st D2 (27)</i>	

13-9



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR: John Yablonsky

CASE NO: FVI900518

CHARGE(S): PC 187

REPORT TYPE: Interview / Contact

DATE(S) OF INVESTIGATION: 12/09/2009

INVESTIGATOR: Mapula

DATE REPORT PREPARED: 12/10/2009

ASSIGNED DPD: Sanders

SUP. INVESTIGATOR: Mapula

W - Witness | RP - Reporting Person | V - Victim | C - Complainant | S - Suspect | NP - Named Person | INF - Informant | OTH - Other

W	NAME: Bruce Nash	ADD 1: 32323 Carnelian	
	AKA:	Lucerne Valley	
	DOB:	ADD 2:	
	DL:		
	PHYS:	PHN 1: 760-900-0702	PHN 2: 760-248-7947
	NAME:	ADD 1:	
	AKA:		
	DOB:	ADD 2:	
	DL:		
	PHYS:	PHN 1:	PHN 2:
	NAME:	ADD 1:	
	AKA:		
	DOB:	ADD 2:	
	DL:		
	PHYS:	PHN 1:	PHN 2:
	NAME:	ADD 1:	
	AKA:		
	DOB:	ADD 2:	
	DL:		
	PHYS:	PHN 1:	PHN 2:
	NAME:	ADD 1:	
	AKA:		
	DOB:	ADD 2:	
	DL:		
	PHYS:	PHN 1:	PHN 2:

5.11.25 35436

13-10

NARRATIVE

I talked with Bruce Nash on 12-9-09 regarding this incident. I identified myself to him as a San Bernardino County Public Defender Investigator and he agreed to talk with me about this case but asked that I call him back on 12-10-09. I called him again on 12-10-09 and talked with him about this case.

I asked Nash if he remembered when he last saw Rita Cobb before her death. He said he thinks it was on Friday night of the weekend of her death. He told me that was at John Sullivan's house. Sullivan is Nash's brother-in-law. There was a get-together at Sullivan's house and Rita Cobb was there. He said she did not have a date or companion that had accompanied her.

*SAUNDERS SAID HE SEEN COBB
ARRIVE AT PARTY @ 1030 BUT NOBODY SEEN SAUNDERS, WHY?*

I asked Nash if he knew who, if anyone, Cobb had been dating or seeing regularly before her death. He said he thought it was somebody from Spring Valley Lake but said he could be wrong about that. He could not remember a name at all. He said he seemed to remember Cobb telling him she had been seeing someone. Nash thought that maybe the person Cobb had been seeing had something to do with Spring Valley Lake.

I asked Nash if he had any opinion as to Cobb's reputation with men. He said his "impression" is that she did, at times, go home with a man after having drinks at one of the bars in town. He did not know if that was a fact or not. Nash also told me he never knew Cobb to be a "mean drunk" at all. He said he never saw her like that. He told me she did have a strong personality and would often speak her mind, but was not a mean or aggressive person.

I asked Nash if he noticed anything suspicious or out of the ordinary at or around Cobb's residence just prior to her death. Nash told me he did not live close to Cobb at the time of her death so he would not have any information as far as anything suspicious around her house. I also asked Nash if he knew, or had heard of, Helen Brooks of Apple Valley around the time of Cobb's death. He did not know the name at all.

Nash told me Fran Sullivan is his sister. He said he did not know of anyone that came to mind that might have any information regarding this incident.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S):

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 12/10/2009.

<< NOTHING FOLLOWS >>

13-11

1 night, and there were people that could testify
2 that -- that what she said was not what happened.

3 MR. SANDERS: There were a couple of people
4 that said they thought they remembered her in the bar.

5 THE COURT: Okay.

6 MR. SANDERS: Thank you.

7 THE COURT: Thank you.

8 (Whereupon the following proceedings were held in open
9 court in the presence of the jury:)

10 THE COURT: I'm sustaining the objection. Go
11 ahead. Ask another question.

12 BY MR. SANDERS:

13 Q So did you -- you offered her -- to take her
14 home.

15 Was she in the process of getting ready to go
16 home?

17 A I don't remember. I believe so.

18 Q Okay. And she declined your offer to drive her
19 home?

20 A Yes.

21 Q Did you watch her as she left to go to her
22 house?

23 A I don't remember that.

24 Q Was there some discussion between she and
25 your -- it was your girlfriend?

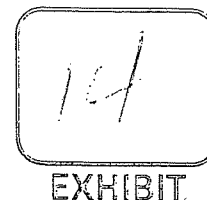
26 A Correct.

27 Q Was there some discussion between the two of
28 you that you should follow her home to make sure she got

~~OT 117~~
~~OT 271~~

(13-12)

EXHIBIT COVER PAGE



Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

SECTION 187	CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME COBB, RITA MABEL		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

PAGE 5

Don added that this Frank and Rita had fought like cats and dogs and he'd heard her yelling several times in the middle of the night, for help, usually when she had been drinking. Don had nothing further of investigative value and interview was concluded.

ARRIVAL OF CORONER:

At approx. 1335 hrs., date, Dep. Corner Marshall Franey arrived at the scene. Mr. Franey was briefed of the circumstances surrounding the death that we were aware of at this point and did not enter the residence.

ADDITIONAL INFORMATION:

ADDITIONAL OFFICER:

At approx. 1406 hrs., date, officers from the Sheriff's identification bureau arrived at the scene. Officers present were Tom Moody, and a Jeff Venditti they also were briefed of the instances surrounding the death that were known at this time and they also did not enter scene, and stood by awaiting the arrival of the Sheriff's Homicide Division.

At approx. 1417 hrs., date, Sgt. Dave Baker along with Det. Al Long, Gary Woods and Roger McCoy from the Sheriff's division arrived at the scene. The responding homicide unit detectives were briefed of the circumstances and also of all information obtained from interviews as of this time. After being briefed, the homicide team began their investigation directing photographs to be taken of the scene and also entering the crime scene.

After the arrival of the Sheriff's homicide team, Det. Knapp and myself remained at the location pending further assignment by Sgt. Baker.

ADDITIONAL INFORMATION SULLIVIAN, JOHN DOB 5-8-45 Mini Springs Ranch, HWY 18 Lucerne Valley Calif., 619/248-6960:

At approx. 1640 hrs., this date I conducted an interview with the above subject in front of the residence owned by Rita Cobb. This interview took place on the dirt shoulder of Hwy 18. In the course of the interview Sullivan related the following information.

I asked Mr. Sullivan when the last time he had seen Rita alive was and he said on Friday night 20-85 she'd come over to his residence that he shared with his girlfriend Fran. Rita came over to the house at approx. 1800 hrs. and left sometime after he went to bed approx. 2230 hrs.

HE LATER SAYS SHE SHOWED UP IN 2002 NPS

FILE NO. / OFFICER CUTTLE T1183	DATE 9-26-85	REVIEWED BY	TYPED BY fj	ROLLED BY	JATE
COPIES TO: <input type="checkbox"/> NC	<input type="checkbox"/> SD/PO <input type="checkbox"/> Detective	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS (14-1) 69 F2 E (LA)		

BEFORE TRIAL

SECTION C 187	CRIME MURDER	CLASSIFICATION
VICTIM'S NAME - LAST NAME COBB, RITA MABEL	FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE ()

PAGE 6

I asked if Rita had been drinking and he said yes. I asked John if he knew of anyone Rita had been seeing or had dated and he said a man by the name of Fred Bedard or Penard. He drove a brown Ford van with pin strining that used to work at Pfizer. this Fred had been injured and is currently off work. I asked if Rita had seen alot of men and he said yes, that to him she was a very lonely woman. However, recently she'd met someone from Spring Valley Lake and had gone out with him last week. John said he didn't know the man. Last weekend, meaning the weekend of September 14 and 15, Betty Ball a friend of Rita's, had spent the weekend with her and maybe she would have some additional information about this individual that Rita is seeing. John said he didn't know where Betty Ball lived, but thought Apple Valley.

I asked John what Rita's hobbies were and he said she dearly loved golf, and she like to hike and camp as well. I asked John if he'd seen Rita anymore this weekend and he said no. He said that he thought she was going down below, but did not know what made him think so, and he had not gone by her house except for Sunday evening when he and his girlfriend Fran returned from an Angel game. I asked John if Rita had a critical personality to which he responded that she would critique people and if they didn't know her they could probably take it wrong, as critical. I asked if Rita was anti-"man" in particular and he said no. I asked John if he ever heard Rita talking about Fred hitting her or them getting into fights and he said, mentioned on one occasion, that Fred had hit her once, with no other information available. In closing, he thought Doris lived in La Quinta on the outskirts of Palm Springs. John had nothing further of value, interview was concluded.

FRED BEDARD

ADDITIONAL INFORMATION DRAKE, FRANCESCA DOB 12-29-56, MANY SPRINGS RANCH, LUCERNE VALLEY, CALIF., 919/248-6960:

at approx. 1700 hrs., on 9-23-85, I conducted an interview with the above person in front of the victims residence. During the course of the interview, Drake related the following information. In response to my question as to when the last time she'd had seen the victim Rita Cobb, Drake said, she saw her on Friday 9-20-85 when she came over to her and John's house. Rita stayed until approx. 2330 hrs., that night and when she left, she was drunk, she had been drinking a lot of bourbon that evening. I asked Drake what Cobb's personality was when she left, she said that although she was drunk, she was feeling good but lonely like always. I next asked if Cobb had been seeing anybody or going out on any dates with anyone and she said that last weekend, the weekend of 9-13 through 15th she had a date with a man by the name of Bruce Lee, she said the date was on Sunday making it 9-15-85. That they'd gone out one time but had a date of some type for this weekend meaning the weekend just passed.

Drake had mentioned to Drake, she had talked with Lee this past week but, she did not remember if she had said it was a telephone or a personal contact with Lee. Drake said Rita was very

REPORTING OFFICERS LITTLE T1183	DATE 9-30-85	REVIEWED BY	TYPED BY fj.	ROUTED BY	DATE
DISTRIBUTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective	<input type="checkbox"/> SERIALIZED A26 9/30	<input type="checkbox"/> Other	<input type="checkbox"/> Other	REMARKS 14-2 G10 L10

BEFORE TRIAL F3 #10

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

Page 2

CASE NO.
1331036-07
H # 100 - 85

SECTION PC 187		CRIME Murder	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

WITNESS INTERVIEW: JOHN SULLIVAN (continued)

Sometime around 10:00 p.m., Rita said it was time for her to go home Sullivan and everyone else felt Rita was too intoxicated to drive so they insisted that one of them drive her home. Bruce got into the driver's seat of Rita's Cadillac and drove Rita home, as Cynthia followed behind in her vehicle. Sullivan remained at the ranch with his girlfriend, Francesca, when they all left.

On Monday, Sullivan went to a doctor's appointment in Apple Valley. When he returned to Lucerne Valley, he stopped at a market. While at the market, someone told him there were a lot of police officers at Rita's house. Sullivan left the market and drove to Rita's house. When he arrived at Rita's, there were police officers everywhere. Sullivan found Darrell at the scene. Darrell is Rita's son. Darrell told Sullivan his mother was dead.

From the time Rita had left Many Springs Ranch that Friday or Saturday evening up until Monday, when he spoke to Darrell, Sullivan had not spoken with Rita over the telephone or seen her for that time period.

When Bruce and Cynthia took Rita home, they did not return to Many Springs Ranch because they had also planned to go home. Sullivan could not recall what type of vehicle Cynthia and Bruce drove back then.

Alexander asked Sullivan if Rita rented out the back apartment behind her house. Sullivan said as far as he knew, she had not rented it out.

Alexander showed Sullivan a photograph of John Yablonsky which did not have any personal identifying information on it. Sullivan said he did not recognize the person in the photograph. Alexander asked Sullivan if he knew the Yablonsky family. Sullivan said he knew George Yablonsky and described him as a very nice person. Alexander asked Sullivan if George had any sons or daughters. Sullivan said not that he was aware of. Sullivan recalled that George Yablonsky and Rita's son, Darrell, had been friends at one time.

REPORTING OFFICER Det. G. Myler/M4285	DATE 031009	REVIEWED BY <i>EM</i>	TYPED BY CMB	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Detective Dist. Atty.	Other CII Patrol	SD/PD Other	REMARKS <i>(14-4)</i> <i>(6/12)</i> <i>(L12)</i>	

4-401 Rev. 1/83

*ACFER
TRIAL*

F5-E12

(L12)

SECTION PC 187	CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME COBB, RITA MABEL		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

PAGE 5

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REPORTING OFFICER G RUTTLE T1183	DATE 9-26-85	REVIEWED BY	TYPED BY fj	ROUTED BY	DATE
SECTION	COPIES TO:	REMARKS			
YES <input type="checkbox"/> NO <input type="checkbox"/>	<input type="checkbox"/> Detective	<input type="checkbox"/> SD/PO	<input type="checkbox"/> Other	14-5	
	<input type="checkbox"/> CII	<input type="checkbox"/> Other	<input type="checkbox"/> Other		

SECTION C 187	CRIME MURDER	CLASSIFICATION
VICTIM'S NAME - LAST NAME COBB, RITA MABEL		FIRST NAME MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	<input type="checkbox"/> RES. DENISE	<input type="checkbox"/> BUSINESS PHONE ()

PAGE 6

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ADDITIONAL INFORMATION DRAKE, FRANCESCA DOB 12-29-56, MANY SPRINGS RANCH, LUCERNE VALLEY, CALIF., 919/248-6960:

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Drake had mentioned to Drake, she had talked with Lee this past week but, she did not remember if Drake had said it was a telephone or a personal contact with Lee. Drake said Rita was very

INVESTIGATORS MITTLE T1183	DATE 9-30-85	REVIEWED BY	TYPED BY fj	ROUTED BY	DATE
ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective	<input type="checkbox"/> SD/PP <input type="checkbox"/> Other	REMARKS JOHN SULLIVAN SAID SHE WAS DATING FRED BERDARD AND SHE'S SEEING BRUCE LEE 14-6 TAD		

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.
 1331036-07

Page 2

H # 100 - 85

SECTION PC 187	CRIME Murder	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
ADDRESS		PHONE
RESIDENCE		

WITNESS INTERVIEW: JOHN SULLIVAN (continued)

Sometime around 10:00 p.m., Rita said it was time for her to go home. Sullivan and everyone else felt Rita was too intoxicated to drive so they insisted that one of them drive her home. Bruce got into the driver's seat of Rita's Cadillac and drove Rita home, as Cynthia followed behind in her vehicle. Sullivan remained at the ranch with his girlfriend, Francesca, when they all left.

On Monday, Sullivan went to a doctor's appointment in Apple Valley. When he returned to Lucerne Valley, he stopped at a market. While at the market, someone told him there were a lot of police officers at Rita's house. Sullivan left the market and drove to Rita's house. When he arrived at Rita's, there were police officers everywhere. Sullivan found Darrell at the scene. Darrell is Rita's son. Darrell told Sullivan his mother was dead.

From the time Rita had left Many Springs Ranch that Friday or Saturday evening up until Monday, when he spoke to Darrell, Sullivan had not spoken with Rita over the telephone or seen her for that time period.

When Bruce and Cynthia took Rita home, they did not return to Many Springs Ranch because they had also planned to go home. Sullivan could not recall what type of vehicle Cynthia and Bruce drove back then.

Alexander asked Sullivan if Rita rented out the back apartment behind her house. Sullivan said as far as he knew, she had not rented it out.

Alexander showed Sullivan a photograph of John Yablonsky which did not have any personal identifying information on it. Sullivan said he did not recognize the person in the photograph. Alexander asked Sullivan if he knew the Yablonsky family. Sullivan said he knew George Yablonsky and described him as a very nice person. Alexander asked Sullivan if George had any sons or daughters. Sullivan said not that he was aware of. Sullivan recalled that George Yablonsky and Rita's son, Darrell, had been friends at one time.

REPORTING OFFICER Det. G. Myler/M4285	DATE 031009	REVIEWED BY EM	TYPED BY CMB	ROUTED BY	DATE
OTHER ACTION: NO	COPIES TO: Other Detective Dist. Atty.	SD/PD Other Patrol	REMARKS 14-8		

[Handwritten signatures and initials]



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR: John Yablonsky CASE NO: EVI900518

CHARGE(S): PC 187

REPORT TYPE: Interview / Contact

DATE(S) OF INVESTIGATION: 01/14/2010	INVESTIGATOR: Mapula
DATE REPORT PREPARED: 01/15/2010	ASSIGNED DPD: Sanders
	SUP. INVESTIGATOR: Hernandez

W - Witness | RP - Reporting Person | V - Victim | C - Complainant | S - Suspect | NP - Named Person | INF - Informant | OTI - Other

W	NAME: <u>John Sullivan</u>	ADD 1: <u>33403 Carnelian Road</u>
	AKA:	<u>Lucerne Valley, Calif.</u>
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: <u>760-248-6902</u> PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
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	DL:	
	PHYS:	PHN 1: PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: <u>149</u> PHN 2:

NARRATIVE

I talked with John Sullivan at his residence on 1-14-10. I had previously spoken with him on the telephone and agreed to come to his residence for interview regarding this case. I identified myself to him and gave him a business card.

I asked Sullivan about the death of Rita Cobb. He told me he last saw Cobb the Friday before she was found dead in her home. He said she had come to his residence for a gathering of friends. He remembers that she did like to drink and brought a bottle of liquor of some kind. He seemed to remember she came alone. I asked him if he knew who, if anyone, she had been dating just before her death. He knew that she had been dating Fred Bedard for a period of time but then had split up. He didn't know of anybody else Cobb may have been dating. He did not know the name Bruce Lee. He said he knew Cobb was known to like the company of men and that was her reputation as far as he knew and added that she was a single and fairly attractive lady. He also said he never saw Cobb as a "mean drunk".

I asked Sullivan if he remembered seeing anyone or anything around Cobb's residence that was unusual or suspicious-looking. He said that as a matter of fact he had driven past her home that weekend of her death but he did not see anything unusual, out of place, or suspicious-looking.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S):

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 01/15/2010.

<< NOTHING FOLLOWS >>

14-10



**SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division**

REPORT OF INVESTIGATION

DEFENDANT/MINOR: John Yablonsky CASE NO: FVI900518

CHARGE(S): PC 187

REPORT TYPE: Interview / Contact

DATE(S) OF INVESTIGATION: 01/14/2010	INVESTIGATOR: Mapula
DATE REPORT PREPARED: 01/15/2010	ASSIGNED DPD: Sanders
	SUP. INVESTIGATOR: Hernandez

W - Witness | RP - Reporting Person | V - Victim | C - Complainant | S - Suspect | NP - Named Person | INF - Informant | OTH - Other

W	NAME: John Sullivan	ADD 1: 33403 Carnellan Road Lucerne Valley, Calif.
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: 760-248-6902 PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: PHN 2:
	NAME:	ADD 1:
	AKA:	
	DOB:	ADD 2:
	DL:	
	PHYS:	PHN 1: PHN 2:

14-11

NARRATIVE

After completing the previous report of the interview with John Sullivan I realized I left out some information that he had provided. Sullivan told me during the interview that Rita Cobb and her son, Darryl Kraemer, had been estranged and had not spoken to each other for about two months or more at the time of her death. He said Cobb had invited her son to go with her on a trip to Canada and he refused to go with her. This apparently angered Cobb and they stopped talking to each other.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S):

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 01/15/2010.

<< NOTHING FOLLOWS >>

14-12



Francesca Drake (1992)



Francesca Drake (2008)

(14-13)

U5

EXHIBIT COVER PAGE

15
EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

County of San Bernardino
California
CA 03600

REPORT AREA

ION 187	CRIME MURDER	CLASSIFICATION STRANGULATION	
W'S NAME - LAST NAME COBB	FIRST NAME RITA	MIDDLE NAME MABLE	(FIRM NAME IF BUSINESS)
ESS 345 Hwy 18, Lucerne Valley, CA ge 4	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE () 248-7584

CONTACT AT ZODIAC BAR:

At approximately 2040 hours, Monday, 9-23-85, we made contact at the Zodiac Bar with the bartender DAWN. I asked DAWN and showed her a picture of RITA COBB, and asked her if she knew her. DAWN stated that she did and was aware of RITA, she had been in her about a month and a half ago and was very intoxicated and she stated that's the last time that she has seen her, only one time. I asked her specifically if she had been in there Friday or Saturday night and she stated that she had been the night bartender on those particular nights and had not seen her at all.

While we were leaving the Zodiac Bar we were approached by a VAL LEMOS, Mexican male, 50 years, who lives in Big bear, home phone number of 585-3931. This was approximately 2045 hours, 9-23-85. VAL told us of an incident occurring earlier that evening where a subject wearing a L.A.P.D. black hat, blonde hair, skinny, blonde moustach and beard, stated that he was in the bar and he had never seen him in there before and was talking to a female subject that was a local that lived in the area. He stated that she was sitting there and he kept making an approach on her, finally started calling her names such as dirty bitch and telling her to get fucked. He stated that this occurred about 1800 hours, Monday. He stated the girl now is gone but is the girlfriend of a subject by the name of GENE. The information was taken from Mr. LEMOS, the contact was concluded.

Second contact at the Zodiac Bar that night was with RONALD KOBS, he's the local propane gas man, works for Sun Propane there in Lucerne Valley. Mr. KOBS stated he had heard what had happened to RITA and he stated that back on August 15th or 18th, somewhere in that particular area, 1985, that he was called out to the COBB residence and when he went out to survey the property for a possible propane tank construction that there was a dark headed subject with a beard and moustach that he found out later was RITA's son, was there and was very violent acting towards his mother, calling her dirty names and grabbing her by the front of the shirt calling her dirty names to her face. Mr. KOBS stated that RITA COBB was not acting as if she were all there either. He stated that he tried to explain the insertion of the propane tank to her several times and she was just not understanding. Contact with Mr. KOBS was concluded.

OFFICERS WDS, Det. W2108	DATE 9-26-85	REVIEWED BY <i>[Signature]</i>	TYPED BY jo 00397	ROUTED BY	DATE
COPIES TO: <input type="checkbox"/> NO	<input type="checkbox"/> SD/PO <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS <div style="border: 1px solid black; border-radius: 50%; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center; margin: 10px auto;">15-1</div>		

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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



William Backoff (1991)

No Current Photo Available

William Backoff (2008)

16-1
T
AZ

SHERIFF'S DEPARTMENT

County of San Bernardino
California
CA 03600

DR# 1331037-07

REPORT AREA

SECTION PC 187	CRIME MURDER	CLASSIFICATION
VICTIM'S NAME - LAST NAME COBB, RITA MABEL		FIRST NAME
ADDRESS		MIDDLE NAME (FIRM NAME IF BUSINESS)
<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		PHONE ()

PAGE 7

excited about going out with Bruce Lee. I asked if Drake knew the man identified as Fred and she said yes she did know him, and had seen him several times at Rita's house. I asked if Rita had ever said anything or complained to her about Fred hitting her, to Drake's knowledge, Rita had never made this complaint. I asked Drake what type of personality she would describe Rita as having, Drake said that she drank alot and could be very caustic when she had been drinking and not remember her comments after she'd sobered up. She further described Rita as liking men and used to go out to the Moose Lodge, quite alot on Saturday nights in Lucerne Valley and occasionally the Y Cafe and the Zodiac. I asked also if Rita was known to have any preference as to her men as far as age and Drake replied, no. I asked about race and Drake replied was, to her knowledge, Rita preferred white men and preferably those closest to her age, however she was not particular about age. Drake had nothing further of investigative value and the interview was concluded at that time.

ADDITIONAL INFORMATION OFFICER:

After concluding the above interviews, Det. Knapp and myself were requested by Sgt. Baker and Det. Woods to make contact with a Betty Ball in Apple Valley for purposes of interview. Further information refer to supplemental interview by Det. Knapp. After completing the interview with Betty Ball, Det. Knapp and myself returned to the Victorville station to await the arrival of the Sheriff's Homicide units. While at the station I ran through CNI and CLETS the name of Fred Bedard who is mentioned as a former "lover" of the victim Rita Cobb. Through CNI, I received a response showing Fred Bedard as a male 42 years of age, DOB 8-10-42, 5'7", 180 lbs, gray hair and eyes are blue. Mr. Bedard has had contact with the Victorville Sheriff's office on two occasions, once as a suspect in 1970 of a battery and once in 1983 as a suspect in a petty theft. Bedard's last address shows as of 2-83, 16702 McKinney Way in Victorville California. Contact through CLETS shows no warrants or warrants outstanding for Mr. Bedard and it shows a manual CNI number of MO 1431025, refer to attached teletypes.

ADDITIONAL INFORMATION: BACKHOFF, WILLIAM ROGER Tall Trees Trailer Park Lucerne Valley, Calif.

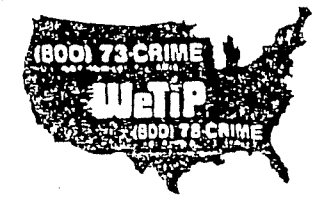
On 9-25-85 at approx. 0740 hrs., I was contacted by telephone by Mr. Backhoff. Mr. Backhoff stated he had received word that the Sheriff's dept., was looking for him in connection with Rita Cobb's death investigation. I told him I was not familiar with anyone looking for him however, I would talk with him at this point. Backhoff told me, he'd received word yesterday afternoon someone from the Sheriff's office was trying to contact him to talk to him about the death of Rita Cobb. He said he didn't know anything about her death, but said that he did know her and he talked to her on the day she got back from Canada, approx. 2 weeks ago, and related this incident.

REPORTING OFFICER IS G TITTLE T1183	DATE 9-26-85	REVIEWED BY	TYPIST fj	ROUTED BY	DATE 9/28
ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective	<input type="checkbox"/> SD/PO <input type="checkbox"/> CII	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS E4 (28)	

16-2 E4 (28)

4 HOURS

P.O. BOX 1296
RANCHO CUCAMONGA, CA 91730-1296
(714) 987-5005 Business Office



ADVISE WE T.I.P. OF ARRESTS / CONVICTIONS / DISPOSITIONS

AGENCY SBSO-Central Dispatch CASE # MC104476
ADDRESS _____ PHONE () _____
COUNTY _____ STATE _____ ZIP _____

ADJUDICATING AGENCIES SBSO-
CALL RECEIVED 8/6/88 TIME 1435 PDT REFERRAL MEDIA KABC/TV SU 49:20
8/6/88 TIME 1500 PDT REFERRAL MEDIA 714 387 8313
AGENCY CALLED Deputy Carr TIME _____ PHONE () SBSO Central Dispatch
AGENCY _____

SUSPECT #1 NAME William Backoff AKA Unk
ADDRESS 9190 Kickasaw Trail (Trailer) PHONE () Unk
Lucerne Valley COUNTY San Bern. STATE CA ZIP Unk
M Unk RACE W AGE 52 DOB Unk HAIR Gry EYES Unk HGT 5'5 WGT 120
KS Small appr. USER Unk DRUG _____
YEAR Unk MAKE Ford MODEL P/U Truck COLOR Brn LIC # Unk
EQUIPMENT/OTHER VEH Blk tool box on back/Unk
WORK/SCHOOL/HANGOUTS Unk/Unk/Unk

ARREST DATES Unk CHARGE _____ WHERE _____
OFFENSE: HOMICIDE QUANTITIES N/A
LOCATION LUCERNE VALLEY, CA DATE/TIME APPROX 3 yrs ago.
PROPERTY TAKEN N/A STASHED N/A

SPECIAL INFORMATION Suspect was bragging that he strangled, raped and mutilated a victim by name of Rita Cobb approx 3 yrs ago. Was laughing, and bragging about crime at a party over week-end. Said he had picked up the victim at a bar called Zodiac, and when victim indicated that she was turned off sexually to suspect, he bragged he strangled her until victim "turned black." Then he described other crimes against victim after victim was dead. NFD
RELATED Unk WEAPONS/DOGS Unk/Unk STASHED _____

SUSPECT #2 NAME _____ AKA _____
ADDRESS _____ PHONE () _____
COUNTY _____ STATE _____ ZIP _____
RACE _____ AGE _____ DOB _____ HAIR _____ EYES _____ HGT _____ WGT _____
KS _____ USER _____ DRUG _____

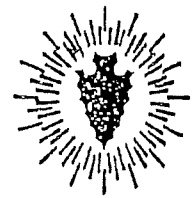
INVOLVED W/ SUSP #1 & CRIME _____
TESTED TIME/METHOD OF APPROACH Unk/Unk K1
CALL BACK YES CALLED BEFORE NO REFERRAL # _____ REWARD NO
INFORMATION HAND FROM INFORMANT XX HEARSAY _____

ABOVE INFORMATION MAY BE INCOMPLETE, BE ADVISED THAT ALL QUESTIONS HAVE BEEN ASKED. IT IS WE TIP'S POLICY TO FORWARD ALL AVAILABLE INFORMATION WITHOUT SCREENING. WE TIP, INC. OPERATOR #50

APPENDIX 40 (16-3) (28)

INTEROFFICE MEMO

1853



County of San Bernardino

DATE August 10, 1988 PHONE
FROM WILLIAM BAIRD, Director
Scientific Investigations Bureau
TO MICHAEL CARDWELL, Captain
Specialized Detective Division

SUBJECT REQUEST FOR PRIORITY RUSH ANALYSIS

In July and September of 1985 the Sheriff's Specialized Detective Division, Homicide Detail, investigated two murder cases which were situated in the Victorville area.

The two murder investigations, the first being dated July 4, 1985 under DR 1331036-07, victim's name was HELEN BROOKS, and the second murder investigation dated September 20, 1985 listed under DR 1331490-07, victim's name was RITA COBB, presented sufficient evidence to cause homicide investigators to believe that both cases were perpetrated by the same suspect.

Serological examination of semen stains swabbed from both victim's showed the suspect to have a blood group category of ABO type B non-secretor which significantly narrowed the field of possible suspects.

For the past three years there have been no significant leads resulting in the identification or arrest of the suspect, however, recent information received by homicide investigators indicates a possible suspect involvement of an individual by the name of WILLIAM BACKHOFF a local resident of the Lucerne Valley area.

As a result of this information an interview was conducted with this individual. As a result of the interview conducted at the Lucerne Valley Sheriff's Office, three cigarette butts were obtained at the conclusion of the investigation. These are being submitted to the Sheriff's Crime Lab for possible comparison and serological examination.

Due to the seriousness of the crime and the multiple victim's involved and the extended length of time the suspect has remained outstanding. It is our request that a rush analysis be performed on the evidence being submitted to determine whether or not the individual WILLIAM BACKHOFF should be considered as a primary suspect lead.

Respectfully submitted.

MC/mb

28
K2

16-4

REGIONAL FORENSIC SCIENCE LABORATORY
 County of San Bernardino — Sheriff's Department

OVERVIEW

ORDER OF VERBAL REPORTS BY LABORATORY:

1. Date _____ Time _____
 To _____
 How _____
 Initialed _____

2. Date _____ Time _____
 To _____
 How _____
 Initialed _____

3. Date _____ Time _____
 To _____
 How _____
 Initialed _____

REGIONAL FORENSIC SCIENCE LABORATORY

County of San Bernardino — Sheriff's Department
 200 S. Lena Rd.
 San Bernardino, CA 92415
 Phone: (714) 387-2200

EVIDENCE

DATE	TIME	HRS	DR. NO.
8/10/88	11:40		1331036-07
Cobb, Rita		unk.	
THE FOLLOWING WAS RECEIVED			
in lab			
RECEIVED BY:		THIS DATE	
Det. B. McPhail			
LABORATORY:			
7/659		01 Horn	

(H) 3 slide boxes
 cig butts

H

16-6
 FILE COPY

KAW
 ONT OF A-500

44659
 11-6-97
 DV

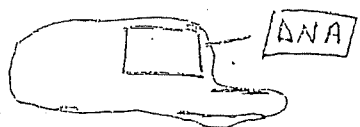
OPT B68404 → styler removed from tray in order to remove inner contents
 sealed 9x12 env - 5 - 6x9 env → all five have loosened gun scales & typed sealed by DV on 11-6-97

- "44659 A-1, 2, 3" c³ boxes → [NE]
- "44659" c² round metal containers → [NE] → (A-23, A-24)
- "44659 A-21 cigarette butts from ashtray in living room DC 9-23-85 1908" → [NE]
- "44659 A-20 cigarette butts from ashtray on deck in dining area DC 9-23-85 1907" → [NE]
- "44659 A-17 A-18"

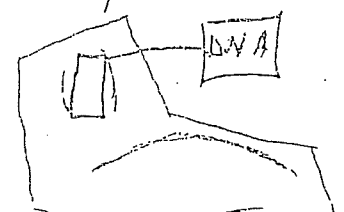
└ c⁹ sealed 3x5 env - A-18a → A-18g
 [A-17 & control] → [NE]

NOTE env A-18f → "sample consumed" → [NE]

A-18a piece of tan felt ~ 2x5cm B+W photo w/ scale



A-18b piece of tan felt ~ 6x2.5cm B+W photo w/ scale



16-7

16-99 B 44659

Scale: 9x12" case "44659 A17, A18, A21, A20, A23, A24, H1-43
C 6x9" case

"44659 A-17 A-18" [NE]

"44659 A-20 cigarette butts from ashtray on desk in dining area DCS 9-23-85 1907" [NE]

"44659 A-21 cigarette butts from ashtray in dining room DCS 9-23-85 1908" [NE]

"44659 H-1, 2, 3" [NE]

"44659" C 2 metal tins

Case V - Root reagent

+	blue green
-	no color

"44659 A-23 blowout on seat door frame to hall DCS 1914 9-23-85" C glassine bundle C chips of white paint (blue backing) of some small amount B+W photo of scale → etal ⊕

2 chips washed w/ 5% H₂O₂ to remove stain (try to avoid possible inhibition) → [DNA]

"44659 A-24 blowout on seat door frame bedroom DCS 9-23-85 1918" C glassine bundle C chips of white paint and red film plates → etal ⊕

B+W photo of scale loose platinum → [DNA]

12-10-85
[Signature]

16-8

K6

DATE STARTED 8-11-88

CRIMINALIST *PCA*

R ~~44629~~ 44629

ITEM DESCRIPTION	APS	APQ	AMY	P30	SMEAR	AB-IN	Gp 1	PGM's	OTHER	COMMENTS
A-20: sealed man env 2 3 cigarette butts							ESD PGM PepA			
a: Virginia slim in lipstick - smuffed			1/10			A, H	ESD PGM PepA			
b: Marlboro - smoked			6-11-88 ~ 1/200			8-11-88 A	ESD PGM PepA			
c: Benson & Hedges (appears unsmuffed)			8-11-88 ~ 1/100			8-11-88 H?	ESD PGM PepA			
A-21: sealed man env 2 1 Benson & Hedges cig butt - smuffed			8-11-88 1/100 & 1/100			8-11-88 H	ESD PGM PepA			

16-9

Handwritten mark

LR

44659

CRIMINALIST

PC

DATE STARTED

8-10-88

ITEM DESCRIPTION	AFs	AFq	AMY	P30	SMEAR	AB-IN	Gp I	PGM's	OTHER	CONTENTS
H-1: slide box labeled #2 from BACHHOFF c 1 B&H cig butt							ESD PGM PepA			
H-2: as above, #1, c 1 B&H cig butt			> 1/10			A, H	ESD PGM PepA			
H-3: as above, #3, c 1 B&H cig butt			> 1/10			8-11-88 A, H	ESD PGM PepA			
			8-11-88			5-11-88	ESD PGM PepA			
							ESD PGM PepA			

1.6-10

K8

CIG BUNTS AB-EL

Red
8-11-88

H-20a

	dA/A	dB/B	dH/O	dAB/AC
	+1+2	+4	+2+3	+1+2
A-20a cont	0	0	0	0
H-20b	+4	0	0	+3

	dA/A	dB/B	dH/O	dAB/AB
	0	0	+4	0
A-21				
A-21 cont	0	0	0	0
H-2	+2+3	+4	+3	

A-20b cont

	0	0	0	0
A-20c	+1+2	0	+3	0
A-20c cont	0	0	0	0

	+2+3	0	0	0
H-2 cont				
H-3	+2	+3	+3	+1
H-3 cont	0+1	0	0	0

A

	+4	0	+1	+3
B	0	+3	+2	+4
0	0	0	+4	0

	+4	0	0	+4
A				
B	0	+4	+3+4	+4
0	0	0	+4	0

(16-11) KA

8-11-53

	1/2	1/4	1/8	1/16	1/32			1/2	1/4	1/8	1/16	1/32
M-3	0	0	0	0	0			0	+2	+4		
A	0	0	0	0	0			0	+1	+4		
	+4							+4				
	0	0	0	0	0							
B	0	0	0	0	0			+4				

	Asec	Dsec	Osec	Arms sec	bl	bl							
	0												
	0	+4	+4	+4	+4	+4						1/400	2.11
	+4	0	+4	+4	+4	+4						1/500	2.12
	0	0	0		+3	+3						1/108	2.13
	0	0	0	+4	+3	+3							

(16-12)

K10

10-11

2-1-59

	1/2	1/4	1/8	1/16	1/32	cont.	1/4	1/8	1/16	1/32
A-200	0	0	0	0	0		+3	+3	+4	
B	0	0	0	0	0		+2	+3	+4	
C	+4						+4			
	0	0	0	0	0		+4			
D	0	0	0	0	0		+2	+4		

8-11

A-206	0	0	0	0	0		+3			
	0	0	0	0	0	1	+4			
	+4						+4			
	+4						+4			

10-11

A-20c	+4						+4			
	+4						+4			
	+1+2	0	0	+3	+4		+4			
	0+1	0	0	0+1	+3		+4			

A-21	+4						+4			
	+4						+4			
	0+2	0	0	+1	+2		+4			
	0	0	0	+1	+1+2		+4			

A-2	0	0	0	0	0		0+1	0	+2	+4
	0	0	0	0	0		0	0	+1	+4
	+4						+4			
	0	0	0	0	0		+4			

16-13

K1 K11

SHIFF'S DEPARTMENT

County of San Bernardino
California
CA 03600

CASE NO.

DR 1331036-07

REPORT AREA

H 100-85

CODE SECTION PC 187	CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME COBB,	FIRST NAME RITA	MIDDLE NAME MARBEL	(FIRM NAME IF BUSINESS)
ADDRESS	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE ()

SUPPLEMENTAL INFORMATION:

On Tuesday, August 9, 1988, approximately 1500 hrs., I interviewed William Rodger BACKHOFF at his trailer located in the back of 9190 Chickasaw, Lucerne Valley, California.

Accompanying me in the interview was Det. Bruce MC PHAIL, of the San Bernardino Sheriff's Department, Homicide Detail.

As I walked up to the trailer, Mr. BACKHOFF was sitting in the doorway with the door open, drinking a bottle of beer. I introduced myself to him and he introduced himself to me as William BACKHOFF.

Mr. BACKHOFF questioned the reason we were there, and I told him Det. MC PHAIL and I were investigating the Rita COBB homicide that occurred several years ago.

I asked Mr. BACKHOFF if we could step inside his trailer to talk and he complied. As I sat down in the kitchen area, I asked Mr. BACKHOFF to relax and be seated also, and he became very angry and yelled at me, "Why the fuck should I have to sit down in my own trailer? I don't have to sit down."

He was drinking a bottle of beer when I was talking to him when I informed Mr. BACKHOFF that we were investigating the Rita COBB homicide and asked him to sit down. He started pacing back and forth in the trailer, and then took a drink out of a full bottle of Jose Cuervo liquor. Mr. BACKHOFF seemed angry and then he started to calm down. Then at one point, Mr. BACKHOFF became very happy and started laughing.

I asked Mr. BACKHOFF if he knew Rita COBB, and he told me, "Yeah, that's that girl that got killed. Man, that really beats the fuck out of me. She was killed in her house."

I asked Mr. BACKHOFF how he knew of Rita COBB, and he said he had a girlfriend by the name of Geraldine FERDELL. He said that Geraldine FERDELL knew Rita COBB, and that's how he became acquainted with Rita was through Geraldine. He said that his girlfriend died of cancer a couple years ago.

REPORTING OFFICERS ACIOS, Det. P-0108	DATE 8/11/88	REVIEWED BY JTD	TYPED BY ck K-1179	ROUTED BY (28)	DATE 10-14
ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input checked="" type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS 1179 K12	

H# 6-99

RIVERSIDE/SAN BERNARDINO
CAL-DNA LABORATORY

AGENCY FILE NO.

LABORATORY NO.

DR 9900714-17
cf DR 1331490-07
cf DR 1331036-07

LR 71635 ✓
cf LR 44452
cf LR 44659

TO: MICHAEL INGRAM, CAPTAIN
Specialized Investigations Division
655 East Third Street
San Bernardino, CA 92415

This report is made with the understanding that the
information will be used for official purposes only.

LARRY SMITH and GARY PENROD, Sheriffs

By:

Glenn Lightfoot 6/1/99

Review Date:

TYPE OF INVESTIGATIONS:

Death Investigation (38)

VICTIMS:

RANDOLF, Gregory

SUSPECTS:

CASE AGENT:

Boldt B1611

INVESTIGATING AGENCY:

SBSD - Homicide Detail

TYPE OF REPORT:

DNA-PCR (41)

DATE OF REPORT:

June 1, 1999

(28)

RT4#

16-15

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO
 1331036-07
 REPORT AREA

Page 1

SECTION PC 187	CRIME Murder	CLASSIFICATION
VICTIM'S NAME - LAST NAME Cobb,	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

ASSIGNMENT:

On 05/02/05, Lt. Mike Lenihan advised me he had received a telephone call from Mike Safarik from the FBI's Criminal Profiling Unit (phone 703 632-4342) Safarik was inquiring about the murder of Rita Cobb and Helen Brooks. Both women were murdered in 1985, in the high desert (refer DR# 1331036-07, H# 100-85-Cobb and DR# 1331490-07, H# 68-85 Brooks). Safarik had read the VICAP profile on the two cases that was done in 1987 and discovered that a person named William Backoff had been identified as a potential suspect.

He further discovered there was semen located at both crime scenes and wanted to know whether or not a match had ever been made on the suspect. I read some of the lab reports (LR# 44659 -Cobb and LR# 44452 - Brooks) and a genetic DNA profile was obtained on both of these cases from semen left by the suspect. I was unable to locate a document indicating wheatear or not there were two different suspects or the same DNA profile was found at both murder scenes.

I contacted Don Jones at the Sheriff's Crime Lab. Jones was the DNA analyst who did the work on both of these cases and was familiar with them. Jones told me the genetic profiles on the murder cases were from two separate suspects, therefore eliminating the possibility that the same suspect killed both women.

I asked Jones about William Backoff and his DNA profile. There was a DNA profile that was done on Backoff from some cigarette butts brought to the crime lab by Sergeant Brian English. It was at that time I discovered that William Backoff was a fictitious name for Gregory Randolph. Randolph was a Deputy Coroner for the San Bernardino County Coroner's office and raised suspicion by English about his possible involvement in this murder because Randolph was rumored to have several photographs of elderly murdered homicide victims at his residence.

REPORTING OFFICER Sgt. T. Bradford B-1959	DATE 05/06/05	REVIEWED BY <i>JB</i>	TYPED BY dk	APPROVED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS <i>(16-16)</i> <i>(28)</i> <i>E2</i> <i>HP</i>		

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
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CASE NO.

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SECTION PC 187	CRIME Murder	CLASSIFICATION
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Further, Randolph at some crime scenes displayed what could best be termed as "bazaar behavior" by his actions and verbalizations to English. English observed Randolph throw away a cigarette butt at one time and English took the cigarette butt to a lab so that a profile could be taken from it and compared on these murder cases. The reason the name William Backoff was used was because Randolph was an employee of the Coroner's office and English did not want anybody to know, including the Sheriff's Department's lab that they suspected Randolph maybe a suspect in this case.

Randolph died in 1999, and a reference blood sample was taken from him at his autopsy and a genetic profile was again taken from Randolph's blood sample and compared to both Cobb and Brooks, in a lab report dated June 1, 1999 (LR# 71635). This lab report again confirms that Randolph was not the semen donor on either of these cases.

REPORTING OFFICER Sgt. T. Bradford B-1959	DATE 05/06/05	REVIEWED BY	TYPED BY dk	ROUTED BY	DATE
ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS: (16-17) (28)		

E3 H6

DR 9900714-17
cf DR 1331490-07
cf DR 1331036-07

June 1, 1999

LR 71635
cf LR 44452
cf LR 44659

Table II: DQA1, LDLR, GYPA, HBGG, D7S8, GC and D1S80 alleles detected in the sperm fractions of the evidential samples examined for the Rita Cobb case.

Item and Description	DQA1	LDLR	GYPA	HBGG	D7S8	GC	D1S80
LR 44659, A-11: vaginal swabs	4.1	AB	A	BC	AB	AC	18,24
LR 44659, A-18: felt pad	4.1	AB	A	BC	AB	AC	18,24

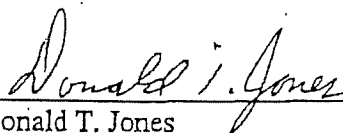
Table III: DQA1, LDLR, GYPA, HBGG, D7S8, GC and D1S80 types for the reference blood sample from Gregory Randolph

Item and Description	DQA1	LDLR	GYPA	HBGG	D7S8	GC	D1S80
R4535 Gregory Randolph	4.1	A	A	A	AB	C	28,31

CONCLUSIONS

Gregory Randolph is eliminated as the source of the sperm fraction, PCR-DNA profiles detected in the semen stains on the bedspread (LR 44452; Item A-13d and A-13e) in the Helen Brooks case. He is also eliminated as the source of the sperm fraction, PCR-DNA profiles in the semen on the vaginal swabs (LR 44659; Item A-11) from Rita Cobb and in the semen stain on the felt pad (LR 44659; Item A-18) in the Rita Cobb case.

A search of our local DNA database (San Bernardino and Riverside counties) failed to match Randolph's PCR-DNA profile to any of our cases.


Donald T. Jones
Criminalist II

DTJ/ds

(16-18)

3166
47
36
(16)

LR# 44452
LR# 44659

SAN BERNARDINO COUNTY
SHERIFF'S DEPARTMENT
CRIMINALISTICS LABORATORY

REQUEST FOR PHYSICAL EVIDENCE EXAMINATION

DIRECTIONS: Please TYPE or PRINT CLEARLY ALL information on both sides of this form PRIOR to submitting evidence to the Laboratory. ALL physical evidence submitted to the Laboratory for examination must be accompanied by a completed form with the EXCEPTION of (1) narcotics evidence, (2) Blood/Urine Alcohol Kits, and (3) Marijuana Citation Kits.

Please telephone the Laboratory if there is a change in the status of the case or there is additional information pertaining to the case that should be made known to the Laboratory.

Requesting Agency SBSD / HOMICIDE Agency Case No. 1331036-07

Date of Request 8-10-88 Date of Offense 7-4-85 Offense 1331490-07
9-20-85 PC 187

Date/Time of Evidence Collection 8-10-88 1320 Collected By BRUCE McPHAIL MIBGS

Victim(s) (Last Name First)	No. 1 <u>BROOKS, HELEN</u>	Suspect(s): (Last Name First)	No. 1 <u>BACKHOFF, WILLIAM</u>
	No. 2 <u>COBB, RITA</u>		No. 2 _____
	No. 3 _____		No. 3 _____
	No. 4 _____		No. 4 _____

Brief Summary of Case Circumstances (Indicate where evidence was found and/or collected):

TWO (2) FEMALE VICTIMS WHO LIVED IN THE APPLE VALLEY
AND LUCERNE VALLEY AREAS WERE FOUND MURDERED
IN THEIR RESIDENCES TWO (2) MONTHS APART. BOTH
V/ WERE KILLED BY LIGATURE STRANGULATION, SEMEN SAMPLES
FROM BOTH V/ SHOWS S/ POSSIBLY AN ABO TYPE B NON SECRETOR.

Description of Evidence:

Item Designation (A, B, C, etc.)	Brief Description (Package and Contents)
-------------------------------------	--

H-1, 2, 3 cigarette butts

(28)

KS

(16-20)

REGIONAL FORENSIC SCIENCE LABORATORY
 County of San Bernardino — Sheriff's Department

OVERVIEW

ABC

ORDER OF VERBAL REPORTS BY LABORATORY:

1. Date _____ Time _____
 To _____
 How _____
 Initialed _____

2. Date _____ Time _____
 To _____
 How _____
 Initialed _____

3. Date _____ Time _____
 To _____
 How _____
 Initialed _____

REGIONAL FORENSIC SCIENCE LABORATORY
 County of San Bernardino — Sheriff's Department
 200 S. Lens Rd.
 San Bernardino, CA 92415
 Phone: (714) 387-2200

DATE	TIME	HRS	DR. NO.
8/10/88	11:40		1331036-07
Cobb, Rita		unK.	
THE FOLLOWING WAS RECEIVED: in lab			
FROM Det. B. McPhail			
RECEIVED BY: lab PCS			THIS DATE
INITIALIZED FROM: B. McPhail M1860			
74657	01 Horn		

EVIDENCE

(H) 3 slide boxes
 cig butts

(Signature)

(Signature)

16-21

SHERIFF'S DEPARTMENT
 City of San Bernardino
 California
 CA 03600

1331036-07
 H100-85

REPORT AREA

CRIME MURDER	CLASSIFICATION
NAME - LAST NAME RITA	FIRST NAME MARBEL
MIDDLE NAME MARBEL	(FIRM NAME IF BUSINESS)
<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS
PHONE ()	

SUPPLEMENTAL REPORT:

On Wednesday, August 10, 1988, at 1210 hours, myself Detective Jim Palacios and Detective Bruce Mc Phail of the San Bernardino County Sheriff's Department Homicide Division conducted a re-interview with William Rodger Backhoff at the San Bernardino Sheriff's Lucerne Substation.

QUESTION: What is your full name?
 ANSWER: William Rodger Backhoff.

QUESTION: Do you have any alias names?
 ANSWER: No.

QUESTION: Do you go by any other names such as Billy or Bill?
 ANSWER: No.

QUESTION: How old are you?
 ANSWER: Fifty-two.

QUESTION: What's your date of birth?
 ANSWER: October 22, 1935.

QUESTION: Where were you born?
 ANSWER: Illinois.

QUESTION: What's your current address?
 ANSWER: 9190 Chickasaw, Lucerne Valley, but my post office box number is 1371, Lucerne Valley, California. The zip code is 92356.

OFFICERS SOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY KS S1751	ROUTED BY	DATE
COPIES TO:	<input type="checkbox"/> SD/PD	<input type="checkbox"/> Other	REMARKS 16 1622 Q2 16		
<input type="checkbox"/> Detective	<input type="checkbox"/> CII	<input type="checkbox"/> Other			
<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol				

SHERIFF'S DEPARTMENT

City of San Bernardino
California

CA 03600

1331036-07
H100-85

REPORT AREA

SECTION 87	CRIME MURDER	CLASSIFICATION	
SUSPECT NAME — LAST NAME		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
		RITA	MARBEL
RESIDENCE <input type="checkbox"/>		BUSINESS <input type="checkbox"/>	
			PHONE ()

PAGE 2

QUESTION: What's your telephone number?
ANSWER: I don't have a phone.

QUESTION: What type of education do you have?
ANSWER: I was a high school graduate back in 1954 at Chicago Vocational School or CVS.

QUESTION: What type of studies did you have? Were they general studies or what?
ANSWER: Mechanical.

QUESTION: Did you have a best class or favorite class?
ANSWER: No.

QUESTION: Mr. Backhoff, do you have any hobbies or sports?
ANSWER: No.

QUESTION: Were you married at one time?
ANSWER: Yes. I was married for 21 years, 68 days.

QUESTION: How long have you been divorced?
ANSWER: 10 years.

QUESTION: Where did this divorce take place?
ANSWER: In Chicago, Illinois.

QUESTION: What is the name of your ex-wife?
ANSWER: Susan Carol Sawyer.

OFFICERS SLOAN, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY NS S1751	ROUTED BY	DATE
COPIES TO:	<input type="checkbox"/> SD/PD	<input type="checkbox"/> Other	REMARKS <i>[Handwritten Signature]</i>		
<input type="checkbox"/> NO	<input type="checkbox"/> Detective	<input type="checkbox"/> CII			
	<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol			

S/ F'S DEPARTMENT
 City of San Bernardino
 California
 CA 03600

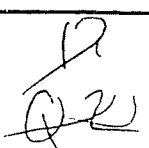
1331036-07
 H100-85

REPORT AREA

SECTION B7-	CRIME MURDER	CLASSIFICATION		
SUSPECT NAME - LAST NAME RITA		FIRST NAME MAREL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
<input type="checkbox"/> RESIDENCE		<input type="checkbox"/> BUSINESS		PHONE ()

PAGE 3

QUESTION: How old is Susan?
 ANSWER: Well, I don't know her date of birth but I think she's four years younger than me.
 QUESTION: Where does Susan live now?
 ANSWER: In Jolliet, Illinois.
 QUESTION: Who initiated the divorce action?
 ANSWER: She wanted the divorce from me and she started everything. She said that it was because of mental cruelty.
 QUESTION: Did you fight the divorce?
 ANSWER: No, I didn't contest it. As a matter of fact, I didn't even show up for the court dates.
 QUESTION: Do you have any children?
 ANSWER: Yes.
 QUESTION: What are their names and ages?
 ANSWER: The oldest one is William Rodger Backhoff Jr, and I don't know when he was born, I think he's thirty years old. The second one is John Robert Backhoff and I think he's twenty eight years old, and then the third one is Peggy Sue Backhoff, I can't remember how old she is.
 My son John lives down the hill in San Bernardino but we don't talk very much. William Jr. and Peggy live back with their mother.
 QUESTION: Do you still keep in contact with your children?

OFFICERS SIOB, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY KS S1751	ROUTED BY	DATE
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F 'S DEPARTMENT
 C ty of San Bernardino
 California
 CA 03600

1331036-07
 H100-85

REPORT AREA

87	CRIME MURDER	CLASSIFICATION
S NAME -- LAST NAME	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MARBEL
RESIDENCE <input type="checkbox"/>	BUSINESS <input type="checkbox"/>	PHONE ()

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ANSWER: Well, yes and no. I haven't seen them in a long time.

QUESTION: Are you employed presently?

ANSWER: No.

QUESTION: What kind of work did you do?

ANSWER: I was a sheet metal worker for 32 years.

QUESTION: What was the last company that you worked with?

ANSWER: I worked Scott Company Sheet Metal in San Francisco.

QUESTION: How long ago was this?

ANSWER: About two years ago.

QUESTION: Do you have any military background?

ANSWER: No. Because of my age I was in between. I didn't go to Korea, you know what I mean.

QUESTION: Have you ever been arrested before?

ANSWER: Yes.

QUESTION: When was this?

ANSWER: I was arrested for drunk driving out here (Lucerne Valley) about two or three years back. It was because of Rita Cobb.

QUESTION: What do you mean by that?

OFFICERS SOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY RS S1751	ROUTED BY	DATE
COPIES TO:	<input type="checkbox"/> SD/PD	<input type="checkbox"/> Other	REMARKS 18 02		
<input type="checkbox"/> Detective	<input type="checkbox"/> CII	<input type="checkbox"/> Other			
<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol				

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SHERIFF'S DEPARTMENT

County of San Bernardino
California
CA 03600

1331036-07
H100-85

REPORT AREA

SECTION 17	CRIME MURDER	CLASSIFICATION		
NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
		RITA	MARBEL	
<input type="checkbox"/> RESIDENCE		<input type="checkbox"/> BUSINESS		PHONE ()

AGE 5

ANSWER: Because it's fucked up the way she died. I didn't do nothing wrong. Matter of fact, you police officers aren't doing your job. I hate to say it but it's all fucked up.

QUESTION: Aside from this arrest, have you ever been arrested before?

ANSWER: Well yeah, but I don't think it really counts.

QUESTION: What do you mean by that?

ANSWER: Well, it was when I was back east.

QUESTION: What was the arrest for?

It was for possession of stolen property. I had these adding machines. This was when I was about 17 years old.

QUESTION: How would you describe your current health status?

ANSWER: I'm an alcoholic. I've been one since I was 16 years old.

QUESTION: What is your current financial status?

ANSWER: Well, thats interesting because people wonder what I do. I don't accept food stamps and I don't accept welfare, I just make it on my own.

QUESTION: So when was the last time that you actually worked for a company?

ANSWER: That's when I worked for Scott Company Sheet Metal a couple years ago.

QUESTION: How about narcotics. Do you use drugs?

OFFICERS LOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY RS S1751	ROUTED BY	DATE
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<input type="checkbox"/> Detective	<input type="checkbox"/> CII	<input type="checkbox"/> Other			
<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol				

S' F'S DEPARTMENT
 Co / of San Bernardino
 California
 CA 03800

1331036-07
 H100-85
 REPORT AREA

STATION 7	CRIME MURDER	CLASSIFICATION		
NAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME MARBEL	(FIRM NAME IF BUSINESS)	
	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE ()	

AGE 7

ANSWER: I moved to Morris, Illinois.

QUESTION: Then where did you move to?

ANSWER: From Morris I moved to Sun City, California, then I moved to El Cajon, California, then to the City of Downey, California and eventually here in Lucerne Valley, California.

When I moved to Lucerne, thats when I worked at the cement factory.

QUESTION: So how long have you actually lived here in California?

ANSWER: Well, I been living in California about 6 to 7 years..

You know, you detectives better find the mother fucker that did it. (The murder of Rita Cobb).

QUESTION: Well you said that you were going to cooperate and help us didn't you?

ANSWER: Well, I'm not gonna be a stool pigeon if that's what your saying.

QUESTION: I didn't say anything about being a stool pigeon but your cooperation would be appreciated.

ANSWER: Well, I didn't do anything wrong.

QUESTION: Nobody said you did anything wrong.

ANSWER: Well, I wanna find out who the mother fucker is that did it.

OFFICERS IOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY NS S1751	ROUTED BY	DATE
TI <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS 20 QZ		

Sheriff's DEPARTMENT
 County of San Bernardino
 California
 CA 03600

1331036-07
 H100-85

REPORT AREA

OFFENSE	CRIME MURDER	CLASSIFICATION
NAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MARBEL
<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE ()

AGE 8

QUESTION: William, yesterday you told me that there were three guys that you thought may have been involved in the murder of Rita Cobb. Can you tell me more about that?

ANSWER: Yeah. As a matter of fact, I think it's three to five guys that maybe involved or who I think may have done it.

QUESTION: Lets start off with the first person who you think did it.

ANSWER: O.K. I think that two of them are Geraldine Ferdell. Geraldine Ferdell was my girlfriend and she had two son's. Geraldine was real good friends of Rita Cobb and that's how I met Rita was through Geraldine. Like I said, I don't know the name of her sons but they were both a couple of dildos and I think they may have done it.

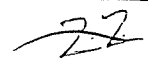
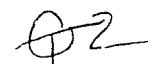
QUESTION: O.K. So you think they may have done it. Why is that now?

ANSWER: Geraldine Ferdell had a room divider or a counter, no it was room divider, that belonged to her. Well, Geraldine gave it to Rita Cobb and her sons got pissed off about it. The sons wanted Rita Cobb to give it back to them. Rita Cobb refused and didn't want to give it back. This wasn't really a high dollar thing, ya know, it was just this room divider.

QUESTION: So, you think because of the room divider, and the two sons did not get it back from Rita Cobb that they may be responsible for the murder of Rita Cobb?

ANSWER: Yeah.

QUESTION: O.K. William. Who is the next person that you think may be suspect in the murder?

OFFICERS SIO, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY NS S1751	ROUTED BY	DATE
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SHERIFF'S DEPARTMENT

County of San Bernardino
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H100-85

REPORT AREA

SECTION	CRIME MURDER	CLASSIFICATION
NAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MARBEL
	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS
		PHONE ()

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ANSWER: A guy by the name of Art Bishop. He's a local dude and he may have been involved.

QUESTION: That's interesting. Why do you think he may have been involved?

ANSWER: Why he's involved? I don't know.

(Between that question and his answer there was a long pause and he eventually stated):

Well because he's a phony mother fucker.

QUESTION: Is Art Bishop a white male?

ANSWER: Yes.

QUESTION: About how old is he?

ANSWER: He's about 60 years old.

QUESTION: How tall is Art Bishop?

ANSWER: Ah, he's a short dude like me. He's about 5'5 inches.

QUESTION: O.K. Who is the next person that you think may be responsible or involved?

ANSWER: Well, theres this Mexican dude, I don't know his name, but he lives here in Lucerne Valley. He's an ex-iron worker.

QUESTION: How old is this Mexican guy?

ANSWER: He's about 68 years old.

QUESTION: Where does he work?

OFFICERS LOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY RS S1751	ROUTED BY	DATE
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POLICE DEPARTMENT

County of San Bernardino
California

CA 03600

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REPORT AREA

SECTION 87	CRIME MURDER	CLASSIFICATION	
SURNAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME MARCEL	(FIRM NAME IF BUSINESS)
RESIDENCE <input type="checkbox"/>	BUSINESS <input type="checkbox"/>	PHONE ()	

AGE 10

ANSWER: He works at Lucerne Valley Equipment Rental. This guy could be involved. But you know what? I think you guys are fucking up. I can't understand why this mother fucker hasn't been found yet.

QUESTION: O.K. Why do you feel that this Mexican guy is involved?

ANSWER: Well, Rita wanted to put him in a bad place, ya know, well, I really can't say why.

QUESTION: I'm confused. I don't understand what you mean.

ANSWER: Well, he came over and monkey played with Rita, if you know what I mean.

QUESTION: O.K. Who else do you feel may be involved?

ANSWER: There's a guy by the name of Fred. I don't know his last name, but he was living with Rita Cobb.

QUESTION: Because he was living with her?

ANSWER: Well I think thats her boyfriend. That's why he could have done it. That's why I think he could have done it.

Do you know that theres this girl writing a book about Rita Cobb's death?

QUESTION: No I didn't know about that. What's that all about?

ANSWER: well, its just something that I heard since I've been out here. Some girl about 32 or 34 years old.

QUESTION: Do you know the name of this girl?

ANSWER: No this is just a bunch of hearsay shit that I've heard around.

OFFICERS SIOG, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY RS S1751	ROUTED BY	DATE
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Rev. 1/83					

POLICE DEPARTMENT

City of San Bernardino
California

CA 03800

1331036-07

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REPORT AREA

SECTION 7-	CRIME MURDER	CLASSIFICATION	
NAME - LAST NAME RITA		FIRST NAME MAREEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
<input type="checkbox"/> RESIDENCE		<input type="checkbox"/> BUSINESS	PHONE ()

AGE 11

QUESTION: How long have you know Rita?

ANSWER: I've known her for two years. I knew her through my girlfriend Geraldine. Geraldine died a couple years ago. She died of cancer. She died in Loma Linda.

QUESTION: Did you ever date Rita?

ANSWER: No man. I was dating Geraldine. I mean I can see it. I'm out playing with her girlfriend. No way. But I do remember that Rita was a drinker.

QUESTION: Tell me about Rita Cobb.

ANSWER: Well, she was different, you know what I mean. Her sexual thing. Do you know what I mean?

QUESTION: No. I'm not clear about what you mean.

ANSWER: Well, you know she was different in sex. You know, she may have liked the same person.

QUESTION: Are you saying that she's a lesbian?

ANSWER: No. You know what I mean. When she goes both ways.

QUESTION: Your saying that she was bisexual?

ANSWER: Yeah, that's it.

QUESTION: Well, how did you find out that she may have been bisexual?

OFFICERS SOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY NS S1751	ROUTED BY	DATE
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Rev. 1/83

TC 231

SHERIFF'S DEPARTMENT
 Col of San Bernardino
 California
 CA 03600

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 E100-85

REPORT AREA

SECTION 17	CRIME MURDER	CLASSIFICATION	
NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
	RITA	MARBEL	
	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE ()

AGE 12

ANSWER: Through conversation with my girlfriend Geraldine.

(At this point in the conversation, Mr. Backhoff was seated across from me and he was talking to me in a softer tone of voice. After the previous questioning, he stood up and started yelling and pointing his finger at me stating the following):

I want to find that mother fucker that did it. You know what, I hate to say this, but in general, your police department is all fucked up. I'd get that mother fucker even if I had to stay up all night. But I would get him. You know, I've been sleeping on this and to tell you the truth theres this mother fucker walking around thats a degenerate and I want him caught. I'll go out of my way to get him. I have no love for Rita Cobb. I didn't have no sexual relations with her. I'll tell you what, this mother fucker should get fucked. You know what, this is a sick dude that murdered her. You know what I mean? I 'd like to find out the mother fucker who did the act.

QUESTION: Yes, I can understand that. Why don't you go ahead and sit down. We'd like to find the person who did this also.

ANSWER: I'm just saying somebody better get caught. It's a mother fucker, you know what I mean.

QUESTION: What was the age difference between you and Rita?

ANSWER: Rita was probably eight years older than me.

You know what? I wanna see that prick mother fucker caught whoever he is, if he's a male or female.

QUESTION: Tell me a little bit more about Geraldine. What was she like?

OFFICERS SHERIFFS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY RS S1751	ROUTED BY	DATE
<input type="checkbox"/> NO. <input type="checkbox"/> Detactive <input type="checkbox"/> Dist. Atty.	COPIES TO: <input type="checkbox"/> SD/PO <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS <div style="text-align: right; font-size: 2em;"> 25 Q2 </div>		

OFFICE DEPARTMENT
 City of San Bernardino
 California
 CA 03600

1331036-07
 E100-85

REPORT AREA

SECTION 17	CRIME MURDER	CLASSIFICATION	
NAME - LAST NAME RITA		FIRST NAME MABEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		PHONE ()	

AGE 13

ANSWER: Geraldine had money and she was clean and free and she cooked. What a good women.

As a matter of fact she gave me a place to live. We had sex like two times a day. What more could a man want. If you had something like that, you don't need to look anywhere else. You know what I mean?

QUESTION: How do you think Geraldine and Rita knew each other?

ANSWER: I think they met each other through drinking at bars. Maybe the Zodiac Bar.

QUESTION: How did you find out about the death of Rita Cobb?

ANSWER: Well, I think was it was through Nellie Rhor. She's the one that told me. I was gone awhile, and when I came back, and then I found out that the police were looking for me.

QUESTION: Where were you at?

ANSWER: Oh, I think I was in Van Nuys. You know what I mean? But I had my trailer here and it was no big deal because I paid my rent. And I paid up on it, but I was down there. I'll tell you one thing, I didn't do nothing wrong.

QUESTION: Well who is the one saying that you did?

ANSWER: You know, personal people. People down here that said I was involved. Well, you know what, no fucking way.

QUESTION: Who are these people that said you were involved? What are the names of some of your personal friends?

OFFICERS SIOSS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY KS S1751	ROUTED BY	DATE
COPIES TO: <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS <div style="text-align: right;"> <p>26</p> <p>02</p> </div>			

P.P.'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

1331036-07
 H100-85

REPORT AREA

SECTION 17	CRIME MURDER	CLASSIFICATION		
NAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME MARCEL	(FIRM NAME IF BUSINESS)	
<input type="checkbox"/> RESIDENCE		<input type="checkbox"/> BUSINESS		PHONE ()

AGE 14

ANSWER: Well fuck. Pickup your hand. How many fingers do you have on your hand? You know what I mean?

QUESTION: Do you know of Rita's personal habits?

ANSWER: She had like a little cabin, but I'll tell you what, her house wasn't really too sharp. You know, she was not my kind of girl.

QUESTION: What was she like?

ANSWER: Well, she was very outspoken. She was the type of girl to tell you to get fucked. When I talked to Rita, or when we were in each other's company, my girlfriend was with me.

QUESTION: How about her drinking habits?

ANSWER: Well I couldn't say whether she was a real drunk or not. Ya know, let me tell you something, it's a shame, it's a sick fucking deal. Isn't it? I mean this is really sick. It's a sick situation. You know, heres some prick wandering around who may kill another women, ya know what I mean?

DE TWO OF TAPE:

QUESTION: You mentioned earlier that this girl by the name of Nellie Rhor told you that the police were looking for you but when was the first time that you heard about Rita Cobb's death?

OFFICERS AGIOS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY KS S1751	ROUTED BY	DATE
<input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> SD/PO <input type="checkbox"/> Detective <input type="checkbox"/> Dst. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Patrol	REMARKS <div style="text-align: right;"> <p>27</p> <p>Q2</p> </div>		

SHERIFF'S DEPARTMENT

County of San Bernardino
California
CA 03600

1331036-07
H100-85

REPORT AREA

TITLE	CRIME MURDER	CLASSIFICATION
NAME - LAST NAME	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS) MARBEL
<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE ()

PAGE 15

ANSWER: Well, thats a fucking interesting question. Let me see.
(At this point there was a long pause).

Well, I think it was at the Zodiac Bar. Yeah, it was conversation that was going around. I got talking to the bartender and the bartender told me about it. I talked to Rita three to four days before she passed away. I think she just got back from Canada. It's an amazing story isn't it. But I'll tell you what. I know I didn't do anything wrong.

Backhoff could add nothing further and the interview was then concluded.

OFFICERS OS, DET, P0108	DATE 8/17/88	REVIEWED BY	TYPED BY NS S1751	ROUTED BY	DATE
COPIES TO: <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol			REMARKS <div style="text-align: right;"> <p>28</p> <p>Q2</p> <p>I</p> <p>66</p> </div>		

EXHIBIT COVER PAGE

17
EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

RAN MLPH FILE
ONT OF ATSC

44659
11-6-97
DJ

OPT B68404 → stuffs removed from tray in order to remove wire contents

sealed 9x12 env = 5-6x9 env → all files have loosened open seals & taped sealed by DJ on 11-6-97

- "44659 A-1, 2, 3" = 3 boxes → [NE]

- "44659" = 2 round metal containers → [NE] → (A-21? A-24?)

- "44659 A-21 cigarette bottle from ashtray in living room
DC 9-23-85 1908" → [NE]

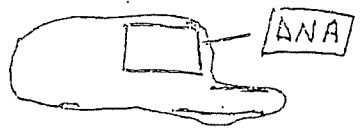
- "44659 "A-20" cigarette bottle from ashtray on desk
in dining area DC 9-27-85 1907" → [NE]

- "44659 A-17 A-18"

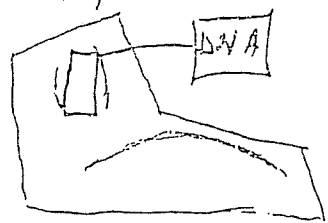
↳ = 9 sealed 3x5 envs - A-18a → A-18g
[A-17 & control] → [NE]

NOTE env A-18f → "sample consumed" → [NE]

A-18a piece of tan felt ~ 2x5cm B+W photo w/ scale



A-18b piece of tan felt ~ 6x2.5cm B+W photo w/ scale



(17-1) (A) 28

Reference and Source:

See previous reports dated September 30, 1985, November 18, 1985 and July 3, 1987 for a description of Items A through G.

On August 10, 1988 Detective B. McPhail, Sheriff's Special Detective Division, delivered the following items to the Laboratory:

Item H: Three cigarettes (H-1, H-2, and H-3) identified as having been smoked by William BACKHOFF

RESULTS AND CONCLUSIONS:

The cigarette butts from BACKHOFF, as well as the cigarette butts from the crime scene were examined in an attempt to determine ABO/secretor status. The following table lists the results of that examination:

Item & Description	Amylase level	Soluble ABH antigens	Result
A-20a: "Virginia Slim" cigarette butt with lipstick	High	A, H	A secretor
A-20b: "Marlboro" cigarette	Moderate	A	A secretor
A-20c: unsmoked "Benson and Hedges" cigarette	Moderate	Inconclusive	Inconclusive
A-21: "Benson & Hedges" cigarette	High	H	O secretor
H-2: "Benson & Hedges" cigarette from BACKHOFF	High	A, H	A secretor
H-3: "Benson & Hedges" cigarette from BACKHOFF	High	A, H	A secretor

Conclusions:

- 1) BACKHOFF, as an ABO A secretor, does not match the semen donor profile developed from the semen stains on the felt pad (Item A-18) from the crime scene.
- 2) Comparison of the ABO/secretor type of the cigarette butts at the crime scene to the blood types of the individuals in this investigation can be broken down as follows:

(172) E5 (28)

Item & Description	Consistent with
A-20a: Virginia Slim (note: lipstick)	KRAEMER, BACKHOFF
A-20b: Marlboro	KRAEMER, BACKHOFF
A-20c: Benson & Hedges (not smoked)	no information
A-21 : Benson & Hedges	Cobb SANDERS (unknown secretor status)

David C Stockwell
David C. Stockwell
Criminalist

/jkg

c. Det. Div. (Det. B. McPhail) -1
-1
-1

(17-3) 28
EG

PSYCHOLOGICAL PROFILE

ALL OF
THIS MATCHES
BACKOFF //

AGE: 50's (Maybe mid 40 range)

SEX: Male

RACE: Caucasian

MARITAL STATUS: Single

EDUCATIONAL/INTELLIGENCE LEVEL: High school graduate, maybe dropout,
Normal intelligence.

SOCIAL/ECONOMIC STATUS: Middle class

RESIDENCE: Will be some distance from scene, neat and clean appearance.

PHYSICAL CHARACTERISTICS: Well-groomed, muscular, well built, takes
care of self.

AUTOMOBILE: "Muscle Car" (Trans Am, Camaro), Red or Black in color.
If suspect older, conservative "clean" sedan (red or black)

EMPLOYMENT: Macho type job [Bouncer, fireman, etc.]

MENTAL HEALTH HISTORY: None

MILITARY HISTORY: Army or Marines, volunteered for Airborne, Special
Forces, etc. Discharge other than honorable.

LAW ENFORCEMENT HISTORY: Interpersonal violence, poor driving record

GENERAL BEHAVIOR CHARACTERISTICS: Good talker, ladies' man, frequents
bars. dates frequently and many different women, flashy dresser,
athletic, "hits" on all the women, police buff, gun nut, self-
centered, does not like criticism; when irritated is mean/hateful
person, many times homosexual tendencies.

RP:lm

18-753

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

1001000-11
 H #100-85
 REPORT AREA

Page 1

TITLE		CRIME		CLASSIFICATION	
		MURDER			
PERSON'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
DEB,		RITA	MARBEL		
ADDRESS		RESIDENCE			PHONE

CONTACT FROM FBI/VICAP: (703) 632-4163

On 11/27/02, I received a phone call from FBI VICAP Analyst Ken Witlow, phone number (703) 632-4163, regarding the following SBSD homicide investigations:

DR # 1331490-07/H #68-85

Victim: Brooks, Helen Margaret
 WFA-63, DOB: 07/11/22
 Found: Friday, 07/05/85
 Location: 19001 Highway 18, Apt. #2, Apple Valley, CA
 Suspect: Unknown

DR # 1331036-07/H #100-85

Victim: Cobb, Rita Marbel
 WFA-55, DOB: 02/23/30
 Found: Monday, 09/23/85
 Location: 35435 Highway 18, Lucerne Valley, CA
 Suspect: Unknown

Witlow said through their review of the two SBSD cases, they found (4) similar murder cases from (4) jurisdictions that occurred from 1986-1989. Witlow said he contacted the other agencies regarding the similarities in each case. The following cases were given:

LOS ALAMITOS PD CASE #860764

Victim: Deeble, Majorie Elaine
 Found: May 12, 1986
 Suspect: Edwards, Robert Mark WMA-41, DOB: 06/14/61, (Arrested/In-Custody since 1997)
 Contact: Sgt. Travis/Los Alamitos Homicide, (562) 431-2255

Edwards was later convicted for this murder in 1998 and sentenced to death

REPORTING OFFICER ET. CARLOS A. ESPINOZA E-0802	DATE 12/02/02	REVIEWER Y	TYPED BY CBB	ROUTED BY	DATE
ACTION: <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		REMARKS <input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Other <input type="checkbox"/> Patrol	

18-2
 12/2/02
 FZ

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA. 03600

CASE NO
 1331036-17
 H #100-85
 REPORT AREA

Page 2

TITLE	CRIME MURDER	CLASSIFICATION	
TIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
BB,	RITA	MARBEL	
ADDRESS	RESIDENCE		PHONE

CONTACT FROM FBI/VICAP: (continued)

LOS ANGELES COUNTY SHERIFF CASE #086074941617

Victim: Belcher, Rhonda
 Found: June 26, 1986
 Suspect: Unknown
 Contact: Sgt. Joe Hartshorne/LASO Homicide, (323) 890-5641

COSTA MESA PD CASE # 88-59459

Victim: Gibbons, Malinda
 Found: July 18, 1988
 Suspect: Unknown
 Contact: Sgt. Archer/Costa Mesa PD Homicide, (714) 754-5395

LOS ANGELES PD CASE # 89-1123392

Victim: Kreismanis, Brigita
 Found: August 5, 1989
 Suspect: Unknown
 Contact: Det. Berdin/LAPD Homicide, (213) 847-4261

9/23/89

I ran a records check regarding the Los Alamitos suspect (Robert Mark Edwards/CII #A06751443). Edward's records showed he was arrested/in-custody at CDC on 12/10/85, until he was paroled on 12/12/85. On 11/27/02, I contacted the CDC Statewide Parolee Locator Service/OBIS (916-358-1847) and spoke to Record's Clerk Scott Johnson. Upon review of their records, Johnson confirmed Edwards was incarcerated from 12/85-12/86.

Based on this information, Edwards could not be a suspect in our murder investigation because he was incarcerated at the time of the murders.

REPORTING OFFICER T. CARLOS A. ESPINOZA E-0802	DATE 12/02/02	REVIEWED BY	TYPED BY cae	ROUTED BY	DATE
ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PO <input type="checkbox"/> Other	REMARKS 18-3 F3 (20)	

N OF ADULT INSTITUTIONS

KERN STATE PRISON

2727 W Cecil Avenue

P O Box 567

Delano California 93216



August 9, 2012

John Yablonsky, CDCR #AL0373
Facility D, Building 5-214L
North Kern State Prison

Inmate Yablonsky:

This response is in regard to your correspondence dated July 22, 2012. You request authorization to correspond with Inmate Robert Edwards, California Department of Corrections and Rehabilitation (CDCR) number P11700, who is currently housed at San Quentin State Prison.

If Inmate Edwards is in agreement with your request, a CDCR Form 1074, Request for Correspondence Approval, is required. A CDCR Form 1074 has been forwarded to Inmate Edwards for completion. A copy of your letter will be placed in your central file.

I hope this information is of assistance. If you have any other concerns regarding this or any other matter, please contact your assigned counselor, O. Quiroz, Correctional Counselor I, via a CDCR Form 22, Inmate/Parolee Request for Interview, Item or Service..

Sincerely,

A handwritten signature in black ink, appearing to read "P.L. Vazquez".

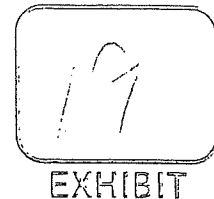
P.L. VAZQUEZ
Warden (A)

Enclosure

Cc: C-File, Inmate Yablonsky, AL0373

184
S/3

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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



U.S. Department of Justice

Federal Bureau of Investigation

FBI Academy
Quantico, Virginia 22135

April 30, 1987

UNSUB;
HELEN MARGARET BROOKS - VICTIM (DECEASED);
SAN BERNARDINO SHERIFF'S DEPARTMENT,
SAN BERNARDINO, CALIFORNIA;
7/4-5/85;
NCAVC/VICAP - HOMICIDE (CRIMINAL PROFILING)
OO: LA

UNSUB;
RITA MAREEL COBB - VICTIM (DECEASED);
SAN BERNARDINO SHERIFF'S DEPARTMENT,
SAN BERNARDINO, CALIFORNIA;
9/20-23/85;
NCAVC/VICAP - HOMICIDE (CRIMINAL PROFILING)
OO: LA

The following criminal personality profile was prepared by Special Agent R. Stephen Mardigian, in consultation with Special Agent Ronald P. Walker and other members of the National Center for the Analysis of Violent Crime (NCAVC). This profile is based upon a review of the materials submitted and the conclusions are the result of knowledge drawn from the personal investigative experience, educational background and research conducted by these profilers as well as by other NCAVC members. It is not a substitute for a thorough and well-planned investigation and should not be considered all-inclusive. The final analysis is based upon probabilities noting, however, that no two criminal acts or criminal personalities are exactly alike and therefore the offender at times may not fit the profile in every category.

This profile contains information of a confidential and sensitive nature. It is provided exclusively for your investigative assistance and should not be disseminated except to other criminal justice agencies with a legitimate investigative or prosecutorial interest in this matter.

Over and above the forensic evidence linking the Brooks and Cobb homicides, our analysis of materials submitted reveals

19-1

26

F4

19



U.S. Department of Justice

Federal Bureau of Investigation

FBI Academy
Quantico, Virginia 22135

April 30, 1987

UNSUB;
HELEN MARGARET BROOKS - VICTIM (DECEASED);
SAN BERNARDINO SHERIFF'S DEPARTMENT,
SAN BERNARDINO, CALIFORNIA;
7/4-5/85;
NCAVC/VICAP - HOMICIDE (CRIMINAL PROFILING)
OO: LA

UNSUB;
RITA MARBEL COBB - VICTIM (DECEASED);
SAN BERNARDINO SHERIFF'S DEPARTMENT,
SAN BERNARDINO, CALIFORNIA;
9/20-23/85;
NCAVC/VICAP - HOMICIDE (CRIMINAL PROFILING)
OO: LA

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Over and above the forensic evidence linking the Brooks and Cobb homicides, our analysis of materials submitted reveals

19-2

S4

marked similarities in behavior exhibited by the offender at each crime scene. Separate and detailed review of each of these cases has led us to conclude that these homicides were committed by the same perpetrator; therefore, we are submitting our assessment of each of these cases within the format of a single profile.

VICTIMOLOGY

Analysis of the victims is a significant aspect of the profiling process. The vulnerability of both Helen Brooks and Rita Cobb toward a violent incident should be examined in conjunction with a review of their lifestyles, reputations, behavior, social interactions and environment. Specifically, at what risk were these women to becoming victims?

Upon examination, we find striking similarities of background between each victim. They were each white females, five feet seven inches tall, 123-134 pounds, between the ages of 55 and 63, who lived alone, being either divorced or widowed. Each had children who lived elsewhere. Brooks was a resident manager of a desert community apartment complex located north of San Bernardino, California, and just 12 miles west from Cobb, who was residing in a single and relatively secluded family residence. Their residences were situated off State Highway 18. Brooks also worked at a dress shop and did some bookkeeping at a bowling alley. Cobb was employed as a receptionist/secretary at a country club. Their employments, located locally to their residences, brought them into daily contact with the general public. Investigation, however, did not develop any information to suggest that these women had ever been personal or social acquaintances.

Both these women were reportedly sexually active with several different men.

Brooks, according to comments from her associates, frequented many of the local bars around town and was very "free" with men, to the point that she was known to pick men up and even bring total strangers home with her. She was said to have bragged to friends about the number of men with whom she had been sexually associated. Moreover, she dated men close to her own age as well as younger men from their twenties on up. According to her former husband, Brooks was very demanding in regards to affection and in sexual relationships could become very jealous. This attitude was corroborated by a former boyfriend who added that she not only demanded sex a lot, but would sometimes in private belittle a man who wouldn't or couldn't perform. In line with her boyfriend's statements, another associate advised that Brooks was known to pick up men, allow them to live with her for a week or so, get tired of them and go for someone else. She was said to enjoy being argumentative with men.

Similarly, Rita Cobb frequented local bars and was known to pick up men of varying ages and take them home with her. She was described by her associates as being an alcoholic who could exhibit a very mean and demeaning attitude toward men and become difficult to relate with when drinking. Her own son described her as having a "Jeckyl and Hyde" personality when intoxicated. Friends characterized her, when she was in an intoxicated state, as being very caustic, argumentative and debative, to the point that she enjoyed baiting people into heated discussions.

These victim's general lifestyles, reputations and behaviors would increase their potential vulnerability. Although they were attacked in their own homes, in view of their general accessibility to a large age range of men, we would characterize them from moderate to high-risk of becoming victims of violence.

MEDICAL EXAMINER'S REPORTS

Upon consideration of the medical examiner's reports, the Behavioral Science Investigative Support Unit (BSISU) primarily focuses attention on the information which would suggest the kind of personality capable of committing these types of crimes. The following points concerning the examiner's reports are felt to be significant in relation to the offender profile:

Each victim's cause of death was listed as ligature strangulation, utilizing a coathanger in one case and women's pantyhose in the other. One of the victims sustained additional ligature marks on her wrists which were found bound behind her back. The apparent excessive wrapping of the bindings will be addressed in more detail in a later section of the profile.

There was evidence of vaginal and oral sexual assault on each victim. Moreover, it appears likely that the assailant ejaculated over at least one and possibly both of the victims. Deposits of semen were found on one victim's body and on bed clothing of the other victim.

Analysis of samples of semen taken from the Cobb crime reflects type B, non-secretor blood type which directly corresponds to the samples of semen recovered from the Brooks crime scene and which is found in approximately two percent of the white male population.

There was no evidence of blunt-force trauma or defensive wounds found in conjunction with postmortem examination of either victim.

CRIME SCENE ANALYSES

The best results evolve in the profiling process when we are in a position to analyze the assailant's verbal, physical and sexual behavior, as well as his methodology in terms of the area of the victim selection and his manner of control over them. As there is no verbal behavior to address, we consider the assailant's physical and sexual behavior and present the following aspects of each crime scene as significant:

Each victim was attacked during the evening hours in her own home. There was no sign of forced entry, nor was any evidence uncovered to suggest that either victim struggled with the assailant. This leads us to conclude that each victim was well enough acquainted with the assailant so as not to be concerned about allowing him to enter her respective residence.

There was no evidence to indicate the assailant brought any weapon to the crime scene. In fact, each weapon utilized at both crime scenes was secured on the premises. We usually would suggest such a person is ill-prepared and, therefore, somewhat disorganized. However, the fact that an assailant uses weapons of opportunity does not always connote a disordered personality. We suggest that this assailant did not come to either crime scene with the intention of killing, but once he made his decision, he made use of whatever was available to him. In both these cases, we find an assailant who was able to secure total control over the victims to such an extent that little, if any, signs of struggle were discernible. He exhibited this control through utilization of restraint devices.

BACKGROUNDS
DESCRIPTION T.C.
TEG

It appears unlikely this assailant was significantly motivated or interested in ransacking either victim's residence for valuables. The assailant obviously left various items of value located in plain view at both crime scenes, such as jewelry on a vanity and even on one of the victim's person. Given the amount of time that was spent with each victim, he would have had ample opportunity to steal valuables if he so intended. Our research in similar cases leads us to conclude that the fact a gold chain was discovered missing from one of the victim's residences does not suggest burglary, but rather the assailant's desire for a souvenir to remember or relive for himself what he had done.

Moreover, it is significant to note that the assailant left each victim nude and lying on her back across her bed with legs spread apart in what appears to be a displayed fashion, with articles of clothing or pillow covering only the victims' faces. This display of their bodies was an attempt to leave a message about his opinion of the victims themselves and women in general.

The assailant in this manner depersonalized the victims, not necessarily for who they are, but for what they are and what they represent for him. An additional consideration or purpose for leaving the bodies in this state relates to the assailant's possible bondage fantasies.

Each victim reportedly was sexually assaulted vaginally and orally and was likely in the assailant's company for some time. The fact that there was no evidence of forced entry, struggle or even defense-type wounds on either victim suggests the assailant was known by the victims and was allowed to enter their residences. Once inside, one must evaluate the possibility that the victims, given their lifestyles, willingly engaged in sexual relations with the assailant, at least in the early stages of their interactions. Support of this can be found from review of their backgrounds and because of the lack of signs of struggle throughout either residence or bedroom. Neither victim was known to sleep in the nude and, when the bodies were found, their clothing was neatly laid on a chair alongside the bed.

These victims died as a result of ligature strangulation around their necks. There was no evidence of blunt-force trauma. One victim was found with pantyhose wrapped at least four times around her neck with some of the excess hose crammed into her mouth. Her hands were bound at the wrists behind her back and she was found nude on her back across her bed and adjacent to a full-length closet mirror.

The other victim was found with an unraveled coathanger wire wrapped at least twice around her neck and twisted together. The evidence recovered reflects the assailant ejaculated over her body and also onto a dresser located near the bed where she was left displayed, all the while looking at himself and probably the victim in the mirror. The apparently excessive bindings around the victims' necks, with the gags in their mouths, hands tied behind their backs and bodies displayed adjacent to mirrors, should be viewed from the assailant's conceivable desire to fuel his own fantasies of sexual interaction with submissive and bound women, rather than solely his need to control his victims.

OFFENDER PROFILE

Empirical research suggests that crimes of violence usually occur along intra-racial lines, i.e., white on white and black on black. Absent evidence to the contrary and in light of forensic findings in these cases, we would expect your offender to be a white male.

When considering the offender's age, a number of factors pertinent to the crime are examined. Each victim's age, the amount of control exhibited by the assailant and degree of

58

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trauma inflicted, the weapons used and evidence left behind at the scene all become important. In considering these aspects in relation to these particular crimes, we would expect your offender to be chronologically between his mid-twenties and mid-thirties.

It should be cautioned that age is a difficult category to profile since behavior is a result of emotional and mental maturity, not just physical maturity. No suspect should be eliminated based on age alone. The fact that the victims interacted sexually and socially with men of varying ages must be taken into account. Nevertheless, actions exhibited (such as ejaculation in front of a mirror) do indicate a more youthful offender.

Due to the offender's age, you could expect that he may have served in the military and even received a general or honorable discharge, although we would not expect that he would have been officer material.

The offender was not a total stranger to either victim; however, he could have had only a casual or fleeting-type relationship with them.

It does not appear likely that the offender would be married and he probably resides alone. He may live or work in the general area of the homicides. The late hours of the attacks suggest that the offender does not seem to have to answer to anyone for his time. If married, however, we would expect him to be having marital difficulties. This type of individual should be viewed as an inadequate-type person, especially with women in his own age group. He would not be successful in his interpersonal relationships with women.

We would expect that this offender may have had some training beyond high school and could be found to have average to above-average intelligence.

Others who know the offender would characterize him as somewhat of a loner, impulsive and reacting spontaneously to situations, yet he can be adaptive.

The offender is likely employed in an occupation requiring a semi-skilled to skilled worker, yet he would not be one of the employees that necessarily would stick out. The fact that he did not feel it necessary to steal valuables from either victim suggests he is employed and not in need of money.

Additionally, we would expect to find this offender in a similar socio-economic level as other individuals who frequented the same bars to which the victims came. This was conceivably the offender's original point of access to these victims.

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If the offender has a criminal record, it would include petit crime-type offenses, such as voyeurism/peeping, panty theft, etc. His interests may include bondage-type pornography of the soft-core variety, not the heavy materials, such as whips, leather or chains.

Investigation subsequent to the homicides indicated that the offender likely came to and left the scenes in a vehicle. Given the location of the crime sites, it appears probable that the offender did travel by vehicle. We would generally characterize this offender as neat and well-groomed. Consistent with his means, we would expect that he would be found driving a sedan or utilitarian-type vehicle, rather than a flashy-type auto.

Overall, when considering his relationship with others, this offender would be characterized as the type who would find it easier to deal with women significantly older or younger than he, as each would appreciate his age. He would not involve himself in any long-term relationships and would be seen having difficulty maintaining close relationships, especially with peer age women. Sexually, he would be immature and inadequate, as evidenced by his apparent masturbation over the victim. His sexual inadequacy could have played a role in precipitating his actions towards the victims, especially if they ridiculed, belittled or demeaned him.

The offender is likely a recreational user of alcohol, may use drugs occasionally in a social setting and could have had his inhibitions lowered during commission of the homicides as a result of such use.

POST-OFFENSE BEHAVIOR

One of the more interesting aspects of the profiling process and indeed one which could generate new direction for the investigation is the subject's post-offense behavior. What did the subject do following the crime? Who did he talk to and what noticeable behavioral changes about him have taken place?

Based on research data, in conjunction with an analysis of the information presented in these cases, we suggest the subject responded in the following ways after completion of these crimes:

The offender departed the scene of these homicides in a very nervous and agitated state, not because of any deep-seated feelings of guilt or remorse for what he had done, but rather out of fear of possibly being caught. His primary goal upon leaving the victims was to distance himself from them, get to a safe place, probably his home, and collect his thoughts. He would

have then attempted to establish an alibi or develop some story which he could relate if he was questioned by the police. In the offender's mind, the victims deserved to be killed because of what they were or what they represented to him. He rather quickly was able to rationalize and cope with what he had done.

His main concern was the possible discovery of his involvement.

If the offender came into contact with anyone shortly after leaving the crime scenes, his nervous and agitated state would have been obvious. They would also have noticed his desire to be left alone; but, because he is usually thought to be a loner, no real significance would have been attached to his behavior.

We would expect that your offender would have acquired and consumed more alcohol or drugs following the crimes in an effort to calm himself so he could begin to cope with his fears of being linked with the victims' deaths.

Considering that each homicide occurred in close proximity to a weekend, the offender may not have had to face going to work the day following his crimes. If he was scheduled to work, he would consider it might look suspicious not to go and would anticipate regular work attendance could bolster any alibi on which he had decided.

In view of the fact that the offender likely lives or works near the crime scenes, coupled with his acquaintance with both victims, it is possible the police have already interviewed him. Investigators would not have necessarily focused on him as a suspect, but rather as an individual who because of his relationship with the victims, might be in a position to provide information concerning their activities. If interviewed, we would not have expected the offender to abruptly offer an alibi. He merely would attempt to claim no knowledge of the victims' recent activities; however, if accused he would have been prepared with an alibi.

This offender would not likely interject himself into the police investigation but would attempt to keep abreast of any developments from newspaper articles and general gossip in the community.

Early on, the offender would have considered whether he might have to leave town. If the police investigation indicated to him that he was being considered suspect in the homicides, he would then attempt to find a reason for leaving town. If the investigation did not appear to be centering on him, he likely would remain in the area. Considering the passage of time since

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20

EXHIBIT

Description of this exhibit:

Number of pages to this exhibit: _____ pages

JURISDICTION: (Check One Only)

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- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR:	John Yablonsky	CASE NO:	FVI900518
CHARGE(S):	PC 187		
REPORT TYPE:	Interview / Contact		
DATE(S) OF INVESTIGATION:	01/13/2010	INVESTIGATOR:	Mapula
DATE REPORT PREPARED:	01/14/2010	ASSIGNED DPD:	Sanders
		SUP. INVESTIGATOR:	Hernandez

(Handwritten initials: S, U, B)

W - Witness | RP - Reporting Person | V - Victim | C - Complainant | S - Suspect | NP - Named Person | INF - Informant | OTH - Other

W	NAME: Cynthia Hooper AKA: DOB: DL: PHYS:	ADD 1: 9560 Palomar Trail Lucerne Valley, Calif. ADD 2: PHN 1: 760-248-6745 PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PHN 1: PHN 2:

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(Handwritten: u3)

NARRATIVE

I talked with Cynthia Hooper at her residence in Lucerne Valley on 1-13-10. I identified myself to her as a San Bernardino County Public Defender Investigator and asked if she would talk with me about this case involving the death of Rita Cobb. She agreed to talk with me.

Hooper told me she remembers being at a party or gathering at John Sullivan's house one evening shortly before Rita Cobb was found dead. She said Cobb was also at that party. She said she wasn't sure but thought someone either took her home or someone checked on her to make sure she arrived home safely. She didn't know who that may have been. She said she thought Cobb's son found her dead the next morning. Hooper also told me that Cobb and her son had been estranged "for some time". She said she thought it very strange that Cobb's son showed up and found his mother dead after being estranged for a long time. She said she did not know Cobb well at all but recalls she was a drinker.

I asked Hooper if she knew anything about who Cobb might have been dating just before her death. She said she wouldn't know anything about that. Hooper said her opinion of Cobb was that she seemed "loose" and seemed to be the type that would go home with men she met at bars. She had no opinion about whether or not Cobb was considered a "mean drunk". She could not remember seeing anything outside or around Cobb's residence that might have been considered suspicious or out of place around the time of her death.

I asked Hooper if the name Helen Brooks meant anything to her and she replied that it did not.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S):

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 01/14/2010.

<< NOTHING FOLLOWS >>

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21

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- MUNICIPAL COURT
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- STATE CIRCUIT COURT
- UNITES STATES SUPREME COURT
- GRAND JURY

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

Page 1

CASE NO.

DR #1331306-07
H #100-85

REPORT AREA

Lucerne Valley, Ca.

CODE SECTION PC 187	CRIME MURDER	CLASSIFICATION Stabbing
VICTIM'S NAME - LAST NAME Cobb	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

INTERVIEW: Doris Evelyn Jackson

Information: During the investigation I was told Doris Jackson was best friends with Rita Cobb. I contacted Doris to learn about Rita and her personal life such as what Rita did, who she associated with and if she was dating anyone when she was murdered.

Interview: On April 09, 2009, at approximately 1825 hours, I spoke with Doris Jackson via telephone and digitally recorded the contact. The following will be a summary of our conversation.

Doris met Rita and her husband (unknown name) in 1977 when they first moved to Lucerne Valley. At the time, there was a group of 50-60 year-old's who frequently socialized together. Rita and her husband were friendly within the group and often met at the Moose Lodge and "Y" Saloon to gather, talk and socialize. After living in Lucerne Valley for a few years, Rita's husband died. Rita was always faithful to her husband and did not see other men while married.

Doris and Rita were not good friends because Rita was a very private person. Doris does not drink alcohol and only went to the Moose Lodge and "Y" Saloon to socialize with people who lived in Lucerne Valley. After Rita's husband died they (Rita and Doris) would see each other about once a month to have lunch. They were not best friends and Rita did not talk about her private life. Doris does not know who Rita dated or if she was even seeing anyone when she was murdered. They only had a casual friendship and were not that close.

Doris recalls Rita lived on Highway 18 in a small house just off the highway. Doris enjoyed fishing in Big Bear and would occasionally stop to visit Rita on the way home from her fishing-trips.

In 1985, Doris was living in La Quinta California and received a telephone call from Rita who invited her to go to Canada. Rita asked Doris if she wanted to help her by driving part of the time. Doris agreed to go and they were gone about one week.

REPORTING OFFICER R. ALEXANDER	#A1672	DATE 04-09-2009	REVIEWED BY FI	TYPED BY	ROUTED BY	DATE
ACTION: <input checked="" type="checkbox"/> S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CI <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS (21-1) #2 #1 #1 #5-21		

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SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

Page 2

CASE NO.

DR #1331306-07
 H #100-85

REPORT AREA

Lucerne Valley, Ca.

SECTION PC 187	CRIME MURDER	CLASSIFICATION Stabbing
VICTIM'S NAME - LAST NAME Cobb	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

Doris recalls hearing rumors that Rita was killed on a Friday and was seen at the Moose Lodge and at the "Y" Saloon the night she was killed. Doris does not know if this was fact and said she only heard various rumors.

Doris said Rita was an alcoholic and could be mean when she was drinking.

I asked Doris if she knew whether Rita was dating anyone when was murdered, if she dated men older or men significantly younger than herself. Doris recalls Rita's husband might have been older than she was but she never saw Rita with a boyfriend. Rita did socialize and talk with men while at the Moose Lodge and "Y" Saloon. Doris states she knows nothing about Rita's dating habits because Rita was a very private person.

Doris only knew of one person who lived in the guest house located behind Rita's main residence. She recalls Rita's brother stayed in the guest house for a few days while visiting.

Doris was a real-estate agent who sold property in the Lucerne Valley area. Rita would often stop to talk with her concerning re-estate and would socialize. Rita never asked Doris about renting the guest house and as far as Doris knew no one lived or rented the guest house from Rita.

- Doris Jackson could provide no additional information
- I ended the conversion at 1850 hours

(28)

REPORTING OFFICER R. ALEXANDER	#A1672	DATE 04-09-2009	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> NO	COPIES TO:	REMARKS				
<input type="checkbox"/> NO	<input type="checkbox"/> CP-67 <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	21-2 [Signature] D3 [Signature]			

EXHIBIT COVER PAGE 22

EXHIBIT

Description of this exhibit.

Number of pages to this exhibit: _____ pages.

JURISDICTION: (Check One Only)

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



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR: JOHN YABLONSKY

CASE No: FVI900518

CHARGE(S): PC187

REPORT TYPE: Incident Report

DATE(S) OF INVESTIGATION: 12/28/2010 01/04/2011

INVESTIGATOR: HOLCOMBE

ASSIGNED DPD: DAVID SANDERS

DATE REPORT PREPARED: 01/05/2011

SUP. INVESTIGATOR: TERRY GIBSON

C - Complainant | D - Defendant | INF - Informant | IP - Involved Party | O - Other | S - Suspect | V - Victim | W - Witness

0	NAME: Sheryl Broaddus AKA: DOB: 11/10/48 DL: PHYS:	ADD 1: 30404 Exeter St Lucerne Valley Ca 92356 ADD 2: PH#1: (760) 248-6207 H PH#2:
0	NAME: Glenn Hull AKA: Deceased DOB: DL: PHYS:	ADD 1: 12627 Waverly Ave Lucerne Valley Ca 92356 ADD 2: PH#1: PH#2:
0	NAME: Ron Campbell AKA: Deceased DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:

22-1

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NARRATIVE

On 12/28/10 at about 9:50 a.m. I served Ms. Broaddus with a subpoena regarding this case at her residence in Lucerne Valley. At that time she told me that she and a friend she identified as Ron Campbell suspected a neighbor of hers as the person who committed this homicide. She identified the neighbor as Glenn Hull and she identified the residence across the street from her house as Mr. Hull's residence. She advised that Mr. Hull has been deceased for about fifteen years and his address was later found to be 12627 Waverly Ave. I didn't question Ms. Broaddus further regarding the information she relayed to me at that time.

On 1/4/11 at about 2:15 p.m., Public Defender Investigator Rudy Garcia and I re-contacted Ms. Broaddus to question her further regarding her suspicions of Mr. Hull's involvement. I reminded her of my identity and I gave her my business card. I informed Ms. Broaddus I wanted to discuss what she told me regarding Mr. Hull and she said that she didn't suspect Mr. Hull of this crime and was told by Mr. Campbell of his suspicions of Mr. Hull committing the crime. She continued that Mr. Campbell suspected Mr. Hull because Mr. Hull was a former Green Beret and had very strong hands. She "heard" that the victim had been strangled with her own pantyhose and surmised that someone would have to have strong hands to commit that type of act. She said she has no personal knowledge or information regarding this incident nor has she heard any rumors or theories about it at the Moose Lodge.

Ms. Broaddus said she also heard that Mr. Hull dated the victim and she was unaware of that. Ms. Broaddus is the bartender at the Moose Lodge in Lucerne Valley and Mr. Hull was a daily patron of the lodge. Mr. Hull never mentioned any involvement in this incident nor did he mention that he dated the victim.

I asked Ms. Broaddus if she knew Mr. Campbell's address or where he could be located and she said he died approximately four weeks ago in the first part of December 2010. Ms. Broaddus had nothing further to add and the interview was concluded.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S): N/A

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 1/5/2011

<< NOTHING FOLLOWS >>

22-2

H8
u2



SAN BERNARDINO COUNTY PUBLIC DEFENDER
BUREAU OF INVESTIGATION
Desert Division

REPORT OF INVESTIGATION

DEFENDANT/MINOR: JOHN YABLONSKY

CASE No: FVI900518

CHARGES(s): PC187

REPORT TYPE: Incident Report

DATE(s) OF INVESTIGATION: 12/28/2010 01/04/2011

INVESTIGATOR: HOLCOMBE

ASSIGNED DPD: DAVID SANDERS

DATE REPORT PREPARED: 01/05/2011

SUP. INVESTIGATOR: TERRY GIBSON

C - Complainant | D - Defendant | INF - Informant | IP - Involved Party | O - Other | S - Suspect | V - Victim | W - Witness

0	NAME: Sheryl Broaddus AKA: DOB: 11/10/48 DL: PHYS:	ADD 1: 30404 Exeter St Lucerne Valley Ca 92356 ADD 2: PH#1: (760) 248-6207 H PH#2:
0	NAME: Glenn Hull AKA: Deceased DOB: DL: PHYS:	ADD 1: 12627 Waverly Ave Lucerne Valley Ca 92356 ADD 2: PH#1: PH#2:
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	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:
	NAME: AKA: DOB: DL: PHYS:	ADD 1: ADD 2: PH#1: PH#2:

22-3

NARRATIVE

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I asked Ms. Broaddus if she knew Mr. Campbell's address or where he could be located and she said he died approximately four weeks ago in the first part of December 2010. Ms. Broaddus had nothing further to add and the interview was concluded.

AUDIO/VIDEO RECORDING(S) GENERATED IN CONNECTION WITH THIS REPORT: Yes No

PHYSICAL EVIDENCE COLLECTED IN CONNECTION WITH THIS REPORT: Yes No

EVIDENCE CONTROL NUMBER(S): N/A

This report was prepared from my notes and independent recollection of these contacts and events. As this report incorporates and replaces my original notes in their entirety, they were destroyed on: 1/5/2011

<< NOTHING FOLLOWS >>

22-54

EXHIBIT COVER PAGE

23
EX F

Description of this exhibit:

Number of pages to this exhibit: _____ pages

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

FRIFF'S DEPARTMENT
 County of San Bernardino
 California
 CA 03600

DR 1331036-07

REPORT AREA

MODE SECTION P.C. 187	CRIME MURDER	CLASSIFICATION
VICTIM'S NAME - LAST NAME COBB,	FIRST NAME RITA	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS 35435 Hwy. 18, Lucerne Valley	<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

INTERVIEW:

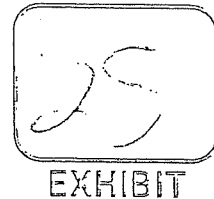
SMITH, Rene
 10225 Custer Street
 Lucerne, Ca. Residence phone: 248-6335

At 1335 hrs., on 9/26/85, I contacted Ms. Rene Smith at her residence. At that time, Ms. Smith told me that on Sunday night, 9/22/85, she was at the Zodiac bar when a man attempted to pick her up, and that when she refused him, he told her that it was alright because he had a date with an older lady, and that during their conversation, he had told her that he was a singer with the band that had entertained at the Moose Lodge during their luau. Ms. Smith could not remember his name positively, but believed it was something like "Gaylord," and described him as being WMA, 6' tall, 180 lbs., with short brown hair. I asked Ms. Smith whether or not Ms. Cobb was at the Zodiac bar when this occurred, and she stated that she was not.

24-1

REPORTING OFFICERS MC COY, Det. M-1384	DATE 9/27/85	REVIEWED BY	TYPED BY pk K-1179	ROUTED BY	DATE	
ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PA <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input type="checkbox"/> Other	REMARKS 4458		

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

- A-16: vacuum sweepings of bedding
- A-17: white shorts from mouth
- A-18: clothing and cloth items, foot of bed
- A-19: bedding
- A-20: cigarette butts from ashtray in dining area
- A-21: cigarette butts from ashtray in living room
- A-22: standard carpet from bedroom
- A-23: bloodstain on east door jamb to hall
- A-24: bloodstain on south door jamb of bedroom

On September 24, 1985, the Laboratory (Criminalist D. Jones) collected the following at the county morgue:

Item B: Physical evidence from autopsy of Cobb:

- B-1: hairs from torso
- B-2: tissue paper from chin
- B-3: wire clothes hanger ligature
- B-4: sex offense kit (#05974), received from L. Brown:
 - B-4a: vaginal swabs
 - B-4b: smear of vaginal swabs
 - B-4c: pubic combings
 - B-4d: standard pubic hair
 - B-4e: EDTA blood sample
 - B-4f: standard head hair
- B-5: upper and lower dentures
- B-6: body bag

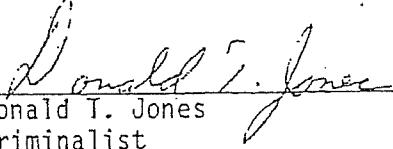
RESULTS AND CONCLUSIONS:

No tests or examinations have been completed at this time.

DISPOSITION OF EVIDENCE:

All evidence (Items A and B) will remain on file for one year, after which it will be destroyed unless the Laboratory is otherwise notified.

DTJ/tjs
Copies:
SBSB/Spec. Det. Div. (Sgt. D. Baker) -1
File -1
Lab -1


Donald T. Jones
Criminalist

26-1
32

SHERIFF'S DEPARTMENT.
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.
 Dr# 1331036-07
 H# 100-85
 REPORT AREA

Page 1

SECTION Pc 187	CRIME Murder	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
ADDRESS		PHONE
RESIDENCE		(FIRM NAME IF BUSINESS)

EVIDENCE VIEWED AND PHOTOGRAPHED ON 01/14/2009:

On Wednesday, January 14th, 2009, at approximately 1510 hours, I viewed and photographed the evidence for this case in a conference room at the San Bernardino County Sheriff's Department's Property Division.

TAG # B22559:

- (1) Felt pad
- (1) Bed sheet

TAG # B68345:

Item #A2

- (1) Blue long sleeve "Wrangler" shirt size large
- (1) yellow/white striped cotton towel "Cannon" brand
- (1) White cotton towel
- (2) White kitchen towels with apples and water spout designs
- (1) White and yellow face towel
- (1) Kitchen towel with fruit designs
- (1) Multi colored dish towel
- (1) Blue towel "Sears" brand
- (2) Tan bras "Equisite" brand size 36B
- (1) Blue "Sassoon" jeans size 9 JR with a red belt
- (1) White short sleeve t-shirt with red stars size medium.
- (1) Peach colored sweat pants "Summit Sport Wear" size 6
- (1) Tan colored sandals "Candie" brand size 10
- (1) Blue flip flops with rainbow colors
- (1) Blue cotton towel

TAG # B68345

Item #A13

- (1) Blue pillow
- (1) Blue pillow (from beneath the victim's head - vacuumed)

REPORTING OFFICER Greg Myler	DATE 01/15/2009	REVIEWED BY	TYPED BY	ROUTED BY	DATE
OTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO:	REMARKS			
<input type="checkbox"/> Detective	<input type="checkbox"/> Other	26-2			
<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD				
<input type="checkbox"/> Patrol	<input type="checkbox"/> Other				

(31)

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

Page 2

CASE NO.

Dr# 1331036-07

H# 100-85

REPORT AREA

SECTION Pc 187	CRIME Murder	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
ADDRESS		PHONE
RESIDENCE		

TAG #B67999: (From east corner of bed beneath comforter)

Microscopic Slide Box

- Item B4F - Standard head hair
- Item B4D - Standard pubic hair
- Item A18 - Possible pubic hair from felt pad
- Item A17 - Hair from gag
- Item A16 - 1, 2, 3 hair
- Item A5 - 1-8 and 1 hair with root
- Item A4 - 7 slides with hair
- Item A1 - 8 slides, 1 with root

- Item A17 - (1) White pant used as a gag
- Item A18 - (1) Brown and tan felt desk pad
 - (1) Tan bra "Equisite" form in group 384 size 36B
 - (1) Red pair of shorts "Lady La Mode" active sports wear size 8
 - (1) Blue blazer button up "Phil Carry" size 12
 - (2) White pillow cases with colored flower designs

- Item B3 - (1) Metal coat hanger
- Item A3 - (1) Panty
- Item B2 - (1) Tissue from victim's chin
- Item B5 - Victim's dentures

- Item A15 - Watch band keeper (west of victim's head beneath pillow)
- Item B1 - Loose Hair(s) from victim's torso
- Item A22 - Standard from carpet
- Item A4 - Vacuum sweepings from area east of bed
- Item A16 - Vacuum sweepings from bedding
- Item A1 - Vacuum sweepings of carpet inside doorway and hair from vacuum
- Item A5 - Vacuum sweepings south and west side of bed
- Item A-6 thru A-10 - Tape lift of victim's torso

REPORTING OFFICER Greg Myler	DATE 01/15/2009	REVIEWED BY	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> NO	COPIES TO:	<input type="checkbox"/> Other	<input type="checkbox"/> SD/PO	REMARKS (26-3) (31)	
	<input type="checkbox"/> Detective	<input type="checkbox"/> CII	<input type="checkbox"/> Other		
	<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol			

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.
 Dr# 1331036-07
 H# 100-85
 REPORT AREA

Page 3

SECTION Pc 187	CRIME Murder	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME	FIRST NAME	(MIDDLE NAME) (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

Item A18 - Debris from felt pad
 Item A17 - Debris from gag
 Item A18 - Debris from other items
 Item A14 - Debris from pillow underneath head
 Item A13 - Debris from A13
 Item A2 - Debris from A-Z

At the completion of viewing the evidence I repackaged the evidence and turned it back into the custody of the Property Division.

REPORTING OFFICER Greg Myler	DATE 01/15/2009	REVIEWED BY	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> NO	COPIES TO:	<input type="checkbox"/> Other	<input type="checkbox"/> SD/PA	REMARKS <div style="text-align: center; font-size: 2em;">(26-4) (31)</div>	
	<input type="checkbox"/> Detective	<input type="checkbox"/> CII	<input type="checkbox"/> Other		
	<input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Patrol			

1331036 - 07

SHERIFF'S DEPARTMENT
CRIME LABORATORY

April 3, 1987

Laboration No.

LR 44659

70

145

REPORT ON THE EXAMINATION OF PHYSICAL EVIDENCE

SUPPLEMENTAL REPORT #2

Gene Rogers, Captain
Specialized Detective Division
San Bernardino Sheriff's Dept.

Attn: Lieutenant D. Baker

Following is the report of the Crime Laboratory giving the results of the examinations conducted on evidence received from your office. This examination has been made with the understanding that the report will be used for official purposes only.

DYD TIDWELL, Sheriff

by P. Longhetti
Laboratory Director
4-8-87

Requesting Agency: <u>Specialized SBSD/Detective Division</u>	Victim: <u>Cobb, Rita</u>
Type of Investigation: <u>Homicide (01)</u>	Suspect(s): <u>-----</u>

Evidence and Source:

See previous reports dated September 30, 1985 and November 18, 1985 for a description of Items A and B.

On February 5, 1986, Detective R. McCoy delivered the following evidence to the Laboratory:

Item C: one blood vial from SANDERS, Joe

DID THEY COLLECT HAIR?

On September 16, 1986, Detective R. McCoy delivered the following evidence to the Laboratory:

Item D: saliva samples from POPE, Bill

Item E: one blood vial from POPE, Bill

On September 17, 1986, Detective R. Knapp delivered the following evidence to the Laboratory:

Item F: one sex offense kit (#5619) from KRAEMER

F-1: EDTA blood sample

F-2: saliva swabs

ANY HAIR TAKEN?

26-5

59

On September 24, 1986, Detective R. Knapp delivered the following evidence to the Laboratory:

- Item G: one sex offense kit (#6616) from WHITESIDES
- G-1: EDTA blood sample
- G-2: saliva swabs

ULTS AND CONCLUSIONS:

The standard blood samples were grouped as follows:

Item and Description	ABO	Secretor	EsD	PGM ₁ sub	Pep A
C: NaF blood from SANDERS	O	NR	NR	NR	NR
E-1: EDTA blood from POPE	B	non secretor	1	1+ 1-	1
F-1: EDTA blood from KRAEMER	A	secretor	5-1	1+	1
G-1: EDTA blood from WHITESIDES	AB	secretor	1	1+	NR

NR = NOT RUN

these samples the blood from POPE (Item E-1) is the only sample which matches the semen donor profile developed from the semen stains on the felt pad (Item A-18). It should be noted that POPE was originally interviewed because the Department of Justice sex offender file indicated his blood type as an ABO B non-secretor PGM₁ type 1+1-.

POSITION OF EVIDENCE:

On March 18, 1987, Item B was released to Jeff Smink, Identification Division. All other evidence (Items A, C through G) will remain on file for one year, after which it will be destroyed unless the Laboratory is otherwise notified.

David C Stockwell
David C. Stockwell
Criminalist

- kg
- es:
- Spec. Det. Div. (Lt. D. Baker) -1
- 1
- 1

26-6

60

VICTIM MEDICAL IDENTIFICATION

82
157

Doctor or medical facility that has the victim's medical records.
Name: _____ Medical Facility: _____
SS: _____ City: _____ State: _____

Doctor or dental facility that has the victim's dental records/x-rays.
Name: _____ Medical Facility: _____
SS: _____ City: _____ State: _____

X. SUMMARY

Space below is provided for a narrative summary of this incident. Please include a general overview, details, unusual characteristics, and the sequence of events. Also include any other pertinent information re: victim(s), suspect(s), evidence, etc. that was not captured elsewhere in this form:

Victim of 2 homicides w/ common suspect. Victim lived in a room with a window and known as an easy target. No forced entry to residence. Nothing known to be in from residence. Victim found nude in her bedroom with a tied behind back with a nightgown, pants loose and neck, and the knot of the hose stuffed in her mouth. Also had a pillow over her face. Approx 50 man been interviewed as ID's no knowning her. Suspect was determined to be a B non-secretary. The DNA or blood work was done at the time of the murder. Cross ref to H# 100-85 COBB, Rita DR 1331036-07. Lines killed within 90 days of each other, all lived approximately 10 miles apart on 1/18. Both dated a variety of men in age and social standing.

26-7

36


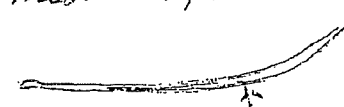
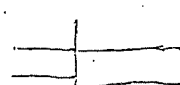
Comparison between 44452 Q hairs and
44659 Q hairs

RED HAIR

44452

A-5
(1 of 2 mounts)


A-6
(2 mounts)

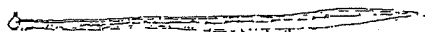
- reddish brown hair ~5 cm long
- roots 
- pigment - none at roots, gradually increases to between light medium and medium, diminishes at tip
- medulla - very characteristic 
- dia visibly > than 44659 H1 

abrupt cut-off (all 3 hairs)

44659

A-1
(1)

- reddish brown hair ~4 cm long
- root 
- pigment - none at root, gradually increases to medium density, diminishes at tip
- medulla - continuous ~~throughout~~, fragmented, extends to tip



- can not link these; may just need a larger population of hairs

26-9

33

COUNTY OF SAN BERNARDINO
SHERIFF'S DEPARTMENT
CRIME LABORATORY

LF 44659

1331C36-07

September 30, 1985
REPORT ON THE EXAMINATION OF PHYSICAL EVIDENCE

To: Gene Rogers, Captain
Specialized Detective Division
San Bernardino Sheriff's Department

Attention: Sergeant D. Baker

Following is the report of the Crime Laboratory giving the results of the examinations conducted on evidence received from your office. This examination has been made with the understanding that the report will be used for official purposes only.

FRANK BLAND, Sheriff

by *Anthony Longhetti*
Anthony Longhetti / 10-7-85
Laboratory Director

Requesting Agency	SBSD/Specialized Detective Division	Victim	Cobb, Rita
Type of Investigation	Homicide (01)	Suspect(s)	----

Evidence and Source:

On September 23, 1985, the Laboratory (Criminalist D. Jones and D. Stockwell) collected the following:

Item A: Physical evidence from 35435 Highway 18, Lucerne Valley:

- A-1: vacuum sweepings from entry to bedroom
- A-2: clothing and towels, east side of bed
- A-3: panties, east side of bed
- A-4: vacuum sweepings, east side of bed
- A-5: vacuum sweepings, south and west side of bed
- A-6: tapelift, left arm
- A-7: tapelift, left leg
- A-8: tapelift, right leg
- A-9: tapelift, right arm
- A-10: tapelift, torso
- A-11: vaginal swabs
- A-12: smear of vaginal swabs
- A-13: blue pillow, north corner of bed
- A-14: blue pillow, under head
- A-15: watch band pin on bed

26-10

32

SHERIFF'S DEPARTMENT

County of San Bernardino
California
CA 03600

DR#1331036-07
REPORT AREA

121

196

SECTION 187	CRIME MURDER	CLASSIFICATION STRANGULATION
NAME - LAST NAME COBB, RITA	FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	<input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE ()

S U P P L E M E N T A L

CONTACT WITH DARRYL KRAEMER: (son of victim)

At approximately 1500 hours, Monday, 9-15-86, I made telephone contact with Mr. DARRYL KRAEMER, son of the victim RITA COBB. I asked Mr. KRAEMER if he would be available to come to the Victorville Station where I could process a set of latent fingerprints from him for further investigative leads and for elimination purposes.

At approximately 1000 hours, Tuesday, 9-16-86, Mr. KRAEMER came to the Victorville Sheriff's Station. At that time I took two latent print cards and one palm card from Mr. KRAEMER'S hands. I then asked Mr. KRAEMER if he had any objections to giving me a blood sample for further evidentiary value. He stated he did not and we then proceeded to St. Mary's Urgent Care Center where Sex Kit #006619 was used to obtain a blood sample, drawn by LVN SERRRY FONHAM at approximately 1135 hours, this date.

IT SHOULD ALSO BE NOTED that during the period we were at St. Mary's Urgent Care Center and just prior to the blood being drawn by LVN FONHAM, I took a saliva sample using two cotton swabs found in the Sex Kit #006619 to attain a saliva sample from Mr. KRAEMER'S mouth.

It was during the collection of this evidence that we, again, asked Mr. KRAEMER what he had heard about his mother's death. He stated the following.

GIBBS HAD RELATIONSHIP WITH COBB AND KILLED HIS WIFE

INTERVIEW WITH DARRYL KRAEMER:

EXACTLY AS COBB AND GIBBS WAS PRESUMABLY

Mr. KRAEMER said that approximately June of 1986 he had heard from PHYLLIS, a bartender at the Zodiac Lounge, that a white, male known only as PETERSON, had come in and told her that another individual, known only as GIBBS, believed to be MERYL GIBBS, had told him (PETERSON) that he had killed a woman approximately two to three months prior to GIBBS' death. PETERSON then told Phyllis that GIBBS had committed suicide after he had killed his wife and possible GIBBS was responsible for the death of RITA COBB. He also stated that perhaps the other items ought to be checked out and we asked what he was

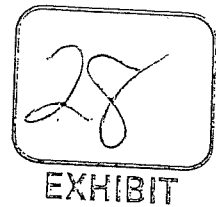
speaking of and he stated the residence directly across the street from his mother's home, on Highway 18 in Lucerne Valley, is occupied by a family identified as the STONES. The owner, DAN STONE, had a son described as a white, male adult, 32 years of age, 200 pounds living at that residence at the time of his mother's death and within a couple of days after the death Mr. STONES son left the area. Mr. KRAEMER thought this was unusual and asked that this be investigated also.

27-1

REPORTING OFFICERS P. DEPUTY, K-0822	DATE	REVIEWED BY	TYPED BY JEANIE/10-16-86	ROUTED BY	DATE
ACTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other <input checked="" type="checkbox"/> Other	REMARKS HII 3 +57	

KRAMER SUSPECT AFTER 1 YEAR

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

SHERIFF'S DEPARTMENT
County of San Bernardino
California
CA 03600

DR 1331036-07

REPORT AREA

COLLECTION	P.C. 187	CRIME	MURDER	CLASSIFICATION	
ICTIM'S NAME - LAST NAME	COBB,	FIRST NAME	RITA	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	35435 Hwy. 18, Lucerne Valley	<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	PHONE	()

NEIGHBORHOOD CONTACT:

FLAGG, Diane
DOB: 10/13/58
Residence address: 7570 Fairlane Ave., Lucerne
Residence phone: 248-7818

Upon contact with Ms. Flagg at her residence, on 9/26/85, at approximately 1410 hrs., Ms. Flagg told me that on the previous Friday (9/20/85), between the hours of 5:00 and 6:00 p.m., she observed a WMA, described as being approximately 5'10-6" tall, average build, dark hair, with a beard and mustache and a large tattoo on his left arm, wearing blue jeans, hitchhiking along Highway 18 in the direction of Big Bear. Ms. Flagg said when she had seen the subject, he was in the general vicinity of Ms. Cobb's house. Ms. Flagg stated that the only other information she would have would be on either Friday or Saturday, 9/20 or 9/21, she had observed several cars parked in front of Ms. Cobb's house and the only cars that she remembers was a silver Pinto and Ms. Cobb's Cadillac.

Ms. Flagg could offer no further information and the interview was concluded.

REPORTING OFFICERS	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
MC COY, Det. M-1384	9/27/85		pk K-1179		
ACTION:	COPIES TO:	REMARKS			
<input type="checkbox"/> NO	<input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	(28-1) 27		

5184-401 Rev. 1/83

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

Page 1

CASE NO.

DR #1331036-07

REPORT AREA

H #100-85

SECTION PC 187		CRIME MURDER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME COBB	FIRST NAME Rita	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

FORD PINTO: Possible suspect vehicle

Information: On September 26, 1985, Det. McCoy spoke with Diane Flagg. Diane told McCoy she recalled seeing a silver colored Ford Pinto parked at Rita Cobb's home on Friday (09-20-85) or Saturday (09-21-85). There was no additional information in the supplemental.

- Refer to Neighborhood Contact dated 09-27-1985 by Det. McCoy

On January 29, 2009, Det. Myler queried DMV Records on vehicles registered to John H. Yablonsky. DMV Records have John H. Yablonsky as owning a 1978 Ford Pinto with California license plate #2DYD884 and VIN #8T11Y139413 assigned to the vehicle.

On February 02, 2009, I contacted SanCat, Auto Theft Task force, and requested they run the VIN through NCIB (Insurance data base) for information regarding the vehicle. The VIN was entered into the NCIB Data Base with the following result:

- 1978 Ford Pinto, 2-door, Hatchback unknown color. Additionally, there was no record of the vehicle being involved in a collision or being salvaged/scraped.

I contacted California DMA and asked for a Certified History of VIN #8T11Y139413. I spoke with "Kathy" who told me the vehicle was last registered in 1988 to John Yablonsky and there was no further record(s) for this VIN. She told me the records were too old and there was no additional information.

I contacted Dep. Sahagun of the Lucerne Valley Station and asked that he drive to 9884 Trade Post Rd. in Lucerne Valley. This address is the last known address of George Yablonsky the father of John Yablonsky. Sahagun did as requested and confirmed George still lives at that residence. Sahagun also told me he did not see a Ford Pinto on the property but there was shed and a barn on the property. It is possible the Ford Pinto is in the shed or barn.

REPORTING OFFICER DET. R. ALEXANDER A-1672	DATE 02-02-2009	REVIEWED BY <i>[Signature]</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Ally.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS <i>(28-2)</i> <i>27</i>	

5184-401 Rev. 1/83

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

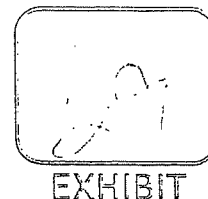
(v) Rita Cobb

- 1 GM: Cause I think there is something in there about a Pinto?
2 JY: Yeah, I did as a matter of fact I had bought a Pinto from (inaudible).
3 GM: What kinda, what year, what color. . . .
4 JY: It was a blue Pinto. Yeah, it was a so she could a have transportation.
5 RA: Light blue? Dark blue?
6 JY: Blue, dark blue.
7 RA: Dark blue? Good car? Bad car?
8 JY: Well she kept the car you know but she didn't have a license she didn't know how
9 to drive you know it was. . . .
10 RA: I don't think I've seen a Pinto in years.
11 JY: Me neither you know it's been a long time.
12 RA: Their not around anymore.
13 JY: I don't know we split up and I sold it.
14 RA: She didn't take it with her.
15 JY: No she still didn't have a license.
16 RA: So you get, you still have that vehicle when you guys split up?
17 JY: Uh-huh.
18 RA: Wow, that's a long time. So are you, are you a mechanic you
19 JY: Yeah.
20 RA: work on cars too? (overlapping conversation) Let me throw a couple of names uh,
21 do you know Terry Radar (sp?)? She is someone that we should picked up we
22 could go talk to?
23 JY: Is it a lady?
24 RA: I don't know. How about Carol Tevass (sp?)? No? Ok, Daniel Cook?
25 GM: Wanna show him the photo's maybe, are you a face person or name person?
26 JY: I'm a face person.
27
28

28-3

27

EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

San Bernardino Sheriff's Department
 Identification/Latent Print Section

68 SEP 25 PM 3:51

Case Number: 1331036-07

Agency: VICTORVILLE
 Result Date: 09-09-88
 Agent:
 Victim: COBB, RITA
 Offense: PC 187
 Suspect: MALLAN, LLOYD J. 10/26/43
 Assigned: CORNS

08/09/88 Assigned L. G. Corns

At the request of case agents McPhail and Palacios, this case was reviewed and the results are listed below:

There are twenty-nine photographs of latent prints. Twenty-eight are not suitable for comparison. one is a palm latent and is not computer quality. This latent was compared to the submitted palm prints of the below listed subjects with negative results.

There are fourteen latent lifts. The results are listed below:

<u>PERSONS COMPARED</u>	<u>ROLLED BY</u>	<u>DATE</u>	<u>DOB</u>
1. COBB, Rita	Moody (SBSB)	Victim	N/A
2. SAUNDERS, Joe	Baty (SBSB)	09/24/85	N/A
3. MALLAN, Lloyd	N/A	03/15/83	10/26/43
4. SIMBACH, Richard D.	Bellnap(SBSB)	09/25/85	N/A
5. GAY, Howard A.	Hawaii PD	05/09/86	01/01/43
6. BACKHOFF, William R.	Rercaff	09/26/85	N/A

<u>BOOKING #</u>	<u>CAL-ID #</u>	<u>PALMS</u>
1. N/A	N/A	N/A
2. N/A	N/A	N/A
3. N/A	N/A	N/A
4. 722173	N/A	YES
5. N/A	N/A	YES
6. N/A	36147584	N/A

LATENT #1: This latent was lifted by Deputy Moody on 09/23/85, from "Tall, clear drinking glass, left side of counter kitchen". This latent was compared to the #1 or right thumb of victim COBB and was a positive comparison.

LATENT #2&3: These latents were not suitable for comparison.

LATENT #4: This latent was lifted by Deputy Moody on

(29-1) C-1 (25)

09/23/85, from "Tall drinking glass, clear, left side of counter top". This latent was compared to the #1 or right thumb of victim COEB and was a positive comparison.

LATENT #5: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side of counter top, kitchen". This latent contained three images marked A, B, & C.

IMAGE A: This image was compared to the #2 or right index finger of victim COEB and was a positive comparison.

IMAGE B: This image was compared to the #8 or the left middle finger of subject SAUNDERS and was a positive comparison.

IMAGE C: This image does not contain enough minute ridge characteristics in order to make an identification.

LATENT #6: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side of counter top, kitchen". This latent contained three images marked A, B, & C.

IMAGE A: This image was compared to the #6 or left thumb of subject SAUNDERS and was a positive comparison.

IMAGE B&C: These images do not contain enough minute ridge characteristics in order to make an identification.

LATENTS 7-13: These latents were lifted by Deputy Moody on 09/23/85 and (glasses) on 09/27/85. These latents do not contain enough minute ridge characteristics in order to make an identification.

LATENT #14: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side counter top, kitchen". This latent was compared to the #7 or left index finger of subject SAUNDERS, Joe, and was a positive comparison.

All comparisons were checked and verified by Forensic Specialist R. Luna. Evidence retained in Identification/Latent section files.

LGC/kc

330

APPENDIX 19

29-2

C2

25

IN THE SUPERIOR COURT DISTRICT, DESERT DIVISION

COUNTY of SAN BERNARDINO, STATE of CALIFORNIA

ARREST WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY PEACE OFFICER OF SAID STATE: proof by accompanying and incorporated affidavit having been made before me by Robert B. Alexander, I find probable cause to believe that the therein described criminal offense(s) was/were committed by the below named and described person. Wherefore, you are commanded forthwith to arrest said person and bring said person before any magistrate in San Bernardino County, or in lieu thereof, you may release said person from custody prior to the time limitations of Penal Codes Section 825 without bail or appearance before a magistrate. The arrestee may also be released in bail in the amount of:

\$1,000,00

THIS WARRANT MAY BE EXECUTED ANYTIME OF THE DAY OR NIGHT, AS APPROVED BY MY INITIALS:

W

PERSON TO BE ARRESTED

Name John Henry Yablonsky DOB 09-30-1963

Sex M Race Wht Hgt 6'00 Wgt 200 Hair Blnd Eye Hzl

Scar/marks/tattoos: TT on right shoulder / arm of a devil with flames

Aka(s): John H. Tablonsky, Joseph A. Yablonsky, Timothy M. Lange,

Other information:: _____

Residence: 1700 E. Silva St. Long Beach, Ca. 90807

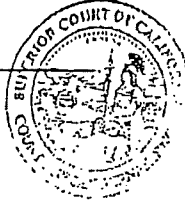
Vehicle: Lisc Plates: 6T36088, 2JMY214, 4YQV126, 3SQG777, 3F32651

AT (30-2) Q1 (K2)

The affidavit in support of this arrest warrant is incorporated herein and was sworn to and subscribed before me this 04th day of March, 2009 at 9:40 am/pm.

Wherefore, I find probable cause to the issuance of this warrant and do so issue it.

(signature of Judge)



ERIC M. ABAKATA

(printed name of Judge)

Issued pursuant to People vs. Ramey (1976) 16C3d263, 127CR629; People vs. Case (1980) 10SCA3d826, 164CR662; also see People vs. Bittaker (1989) 48c3d1045, June 1989.

WAS INTERROGATED
MARCH 8, 2009 3 1/2 HOURS
WITHOUT MIRANDA

AZ (30-3)

2
Q1

K3

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
DR #1331036-07

H #100-85

REPORT AREA

Page 1

SECTION PC 187(a)		CRIME MURDER	CLASSIFICATION
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME
		(FIRM NAME IF BUSINESS)	
ADDRESS	RESIDENCE		PHONE

SEARCH WARRANT

On March 8, 2009 I assisted Detectives MYLER and ALEXANDER with the service of a search warrant at 1700 East Silva Street in Long Beach.

INVOLVED PERSONNEL

- ① DET BRIAN ZEIGLER
- ② DET SCOTT CANNON
- ③ DET JASON REDELEFF
- ④ DET TREVIS NEWPORT

THIS IS WRONG I MET THEM ON DRIVE WAY

SERVICE OF SEARCH WARRANT

On March 8, 2009 at about 1109 hours, we served a search warrant at the location. The initial contact was digitally recorded and downloaded to the case file.

We knocked on the front door at the residence. Melody WITTENBERG, John YABLONSKI'S wife answered the door and allowed us inside. I gave WITTENBERG a copy of the search warrant and asked her, her elderly mother and WITTENBERG'S daughter, Helena WITTENBERG to sit at the kitchen table while we searched the location. At the conclusion, I gave a search warrant receipt

SEARCH

I assigned each detective a room to search and instructed them to identify each item of evidence to me so I could collect it. Detective CANNON photographed the items collected. I assigned each room a "series number" to assist with identifying the items we collected. I collected the items and later turned them over to Detectives MYLER and ALEXANDER.

SERIES 100- LOVING ROOM/FAMILY ROOM

Detective RADELEFF searched this room and found nothing of evidentiary value.

REPORTING OFFICER DET B. ZEIGLER #Z0096	DATE 030909	REVIEWED BY <i>FM</i>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CI <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS	

34-401 Rev. 1/83

A4 (30-4) - 8 @ 1 (K4)

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.
 DR #1331036-07

H #100-85

REPORT AREA

Page 2

SECTION PC 187(a)	CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

SERIES 200- SOUTHEAST BEDROOM

This room belonged to WITTENBERG'S elderly mother (owner of the house) and Sara WITTENBERG. Detective NEWPORT searched this room and found nothing of evidentiary value.

SERIES 300- GUEST BATHROOM, EAST SIDE OF RESIDENCE

I searched this room and found nothing of evidentiary value.

SERIES 400- KITCHEN

This room was not searched.

SERIES 500- COMPUTER ROOM LOCATED ON THE EAST SIDE OF THE RESIDENCE

Detective CANNON searched this room.

501- Dell computer hard drive (serial # 00043467574835) located on top of a desk on the west wall.

SERIES 600- MASTER BEDROOM, LOCATED ON THE SOUTHWEST PORTION OF THE RESIDENCE

The master bedroom belongs to John YABLONSKI and Melody WITTENBERG. Detective CANNON and I searched this room.

601- Marriage license for YABLONSKI and WITTENBERG (photographed but not collected), located in the top, left hand dresser drawer on the west wall of the room.

602- (4) Compact discs- "My pictures", "Dec 2007", "Photos from Alicia and Nicole" and a blank "TDK" brand. I located these items in the top left hand dresser drawer on the west wall of the room.

REPORTING OFFICER DET B. ZEIGLER #Z0096	DATE 030909	REVIEWED BY FM	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist Atty.	<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Patrol	REMARKS 9		

401 Rev. 1/83

AS (30-54) (25)

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
DR #1331036-07

H #100-85

REPORT AREA

Page 3

ACTION PC 187(a)		CRIME MURDER	CLASSIFICATION	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			RESIDENCE	PHONE

SERIES 600- MASTER BEDROOM, LOCATED ON THE SOUTHWEST PORTION OF THE RESIDENCE, CONTINUED

603- Sony MP120 video cassette. I located the tape in the bottom drawer of a nightstand on the northeast area of the room, near the closet.

604- Marriott Long Beach bill for John YABLONSKI dated 111608. I located this item in the bottom drawer of a nightstand on the northeast area of the room, near the closet.

605- "Dragon Fire" handheld taser. Detective CANNON located this item in the right hand side in the bottom drawer of a dresser located on the northeast wall.

606- (2) compact discs- "Gipsy Kings" and an "imation" brand. Detective CANNON located these items inside a wicker basket on the floor on the northeast corner of the room, next to the dresser.

SERIES 700- UPSTAIRS BEDROOMS/TV ROOM

The room upstairs on the south side belonged to Helena WITTENBERG and the room on the east side belonged to Brianna YABLONSKI. Detective NEWPORT searched these rooms and found nothing of evidentiary value.

SERIES 800- GARAGE

Detectives NEWPORT and RADELEFF searched the garage and found nothing of evidentiary value.

SERIES 900-TAN SHED IN THE BACK YARD

Detectives RADELEFF and NEWPORT searched the shed and found nothing of evidentiary value.

REPORTING OFFICER DET B. ZEIGLER #Z0096	DATE 030909	REVIEWED BY EM	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS to H K6	

94-401 Rev. 1/83

AB (30-6) H K6

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

CASE NO.
 DR #1331036-07

H.#100-85

REPORT AREA

Page 4

SECTION PC 187(a)		CRIME MURDER		CLASSIFICATION	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS			RESIDENCE	PHONE	

SERIES 1000- WHITE SHED IN THE BACK YARD

Detectives RADELEFF and NEWPORT searched the shed and found nothing of evidentiary value. 3 4

SERIES 1100- RED/WHITE CHEVROLET PANEL TRUCK 6F64737

The vehicle belonged to John YABLONSKI. Detective RADELEFF searched the truck. 3

1101- Yellow Kodak brand disposable camera located inside a file folder on the floorboard behind the passenger seat.

SERIES 1200-WHITE FORD EXPEDITION 4YQV126

I searched this vehicle and found nothing of evidentiary value.

REPORTING OFFICER DET B. ZEIGLER #Z0096	DATE 030909	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Disl. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PPD <input type="checkbox"/> Other	REMARKS	

34-401 Rev. 1/83

A7 (30-7) (K)

EXHIBIT

L

13 PAGES

MARKED
BEFORE + AFTER

COMPARISON
STATEMENTS
RELEASED
BEFORE TRIAL
V.
AFTER TRIAL

EXHIBIT COVER PAGE

31

EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

Page 1

CASE NO.
 DR #1331306-07
 H #100-85
 REPORT AREA
 Lucerne Valley, Ca.

112
 187

CODE SECTION PC 187	CRIME MURDER	CLASSIFICATION Stabbing
VICTIM'S NAME - LAST NAME Cobb	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

CONTACT: Victim #1 El Paso Texas Report #01-21045L

Information: During the investigation I ran a criminal history on John Yablonski and found he had two prior arrests for rape. The first arrest occurred in 1982, in El Paso Texas. I contacted the El Paso Police Department and obtained a copy of the police report. The second arrest occurred in 1996, in Long Beach California. I contacted the Long Beach Police Department and obtained a copy of the police report.

John was arrested for other crimes such as drugs and burglary and I attempted to obtain a copy of the burglary reports but found the reporting agency(s) had purged the reports.

Contact: After obtaining the rape reports I used police computer programs to search and locate the victims listed in each report.

ALEXANDER DOCTORED EVIDENCE AND USED ON STAND

On November 17, 2010, I spoke with Victim #1 via telephone and did not record the conversation. I explained I worked for the San Bernardino County Sheriff's Department, Cold Case Unit and was trying to locate Victim #1 who lived in El Paso, Texas in 1982. Additionally, I was looking for someone who reported to the El Paso Police Department she was the victim of a sexual crime.

Victim #1 confirmed she was the person I was looking for. She worked at a bar in El Paso, Texas and was raped by a man while at work. We did not discuss the rape report or the facts of the rape report.

I explained to Victim #1 the person who sexually violated her had been arrested for committing a murder in Lucerne Valley and was currently in jail awaiting trial. We talked for a few minutes then Victim #1 told me she had to go to work and wanted me to contact her later. She requested I have a Korean interpreter with me the next time I called her. She said many years had passed since the incident she was involved in and would feel more comfortable talking to me in her native language.

At approximately 1430 hours, I receive a telephone call from Det. Richard Kim of the Federal Way Police Department who is fluent in Korean. Richard said Victim #1 was in his

WARRS ARE AGENCY TRANSCRIPTS DET. ALEXANDER HAS PROVEN HISTORY OF ALTERING EVIDENCE AND LYING ON STAND ABOUT EVIDENCE & ALL CALLS ARE RECORDED THROUGH AGENCY PHONE SYSTEM, WHICH ARE THEIR TRANSCRIPTS IT IS BELIEVED THIS DOCUMENT LIKS OTHERS BY ALEXANDER WAS BOLSTARED FOR INFORMATION

REPORTING OFFICER ALEXANDER	#A1672	DATE 11-18-2010	REVIEWED BY	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS (31-1)		

THE LADY THAT CAME OUT OF BAR CRYING, SAYING I COMMITTED THIS ACT WAS NOT THE HOOKER I PAID THE \$20 TO, WHILE HER PIMP WANTED 40

113
188

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

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CASE NO.
DR #1331306-07
H #100-85
REPORT AREA
Lucerne Valley, Ca.

CODE SECTION PC 187	CRIME MURDER	CLASSIFICATION Stabbing
VICTIM'S NAME - LAST NAME Cobb	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

office and wanted him to contact me on her behalf. Richard placed the telephone on speaker phone then translated to Victim #1 was we spoke. I could hear the conversation but could not understand Korean.

I told Richard during trial we would like to have victims of other sexual crimes committed by her assailant testify in court regarding what happened to them. Richard translated to Victim #1 who said she understood and was willing to assist us if needed. I told Richard the trial could happen soon or be many months away.

After obtaining Victim #1's current contact information, I ended the conversation.

DET. ALEXANDER HAS HISTORY OF ALTERING EVIDENCE IN THIS CASE AND LYING ON STAND ABOVE EVIDENCE.

REPORTING OFFICER ALEXANDER	#A1672	DATE 11-18-2010	REVIEWED BY	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> DisL. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PA <input type="checkbox"/> Other	REMARKS (31-2)		

EL PASO POLICE DEPARTMENT

SHERIFF'S OFFICE WARRANT REFILE NOTICE

TO: EL PASO COUNTY SHERIFF'S OFFICE
Attn: Warrant Division

DATE: _____

FROM: _____

CASE NO: _____

THE ATTACHED ARREST WARRANT, NO. _____ ISSUED BY JUSTICE OF THE PEACE
_____ CHARGING THE BELOW NAMED DEFENDANT WITH THE OFFENSE
LISTED BELOW HAS BEEN REVIEWED AND ACCEPTED BY THE INDICATED PROSECUTING AGENCY, AND IS
A REFILE CASE. THIS ARREST WARRANT IS TO REPLACE THE WARRANT PREVIOUSLY ISSUED AND
DETAILED IN THE MAGISTRATE WARRANT CANCELLATION NOTICE BELOW. PLEASE TAKE THE APPROPRIATE
ACTION.

DEFENDANT: _____

DATE FILED: _____

CHARGE: _____

PROSECUTING AGENCY: _____

MAGISTRATE WARRANT CANCELLATION NOTICE

TO JUDGE: Millard

DATE: November 3, 1982

FROM: Det. E. Placencia, Transfer Officer, #17

CASE NO: 01-21045L

THE INDIVIDUAL LISTED BELOW WAS CHARGED IN YOUR COURT ON THE DATE SHOWN FOR THE
CHARGE INDICATED BELOW. SINCE THEN ACTION HAS BEEN TAKEN ON THE CASE INVOLVING THIS
INDIVIDUAL. AT THIS TIME IT IS NECESSARY TO DISMISS YOUR WARRANT FOR THE REASON LISTED
BELOW. PLEASE INFORM THE COUNTY JAIL OF YOUR CANCELLATION SO THEY CAN CLEAR THEIR RECORDS.

DEFENDANT: John Henry Yablonsky

DATE FILED: July 16, 1982

YOUR WARRANT NO. M82-3985

PROSECUTING AGENCY: DA

CHARGE: Aggravated Rape

REASON FOR DISMISSAL: DECLINED

(Declined or Refiled)

Original - - - TO LAW ENFORCEMENT AGENCY ONLY
Yellow - - - CERTAIN ELEMENTS OF THIS CASE ARE SUBJECT
TO NON-PROSECUTION IN ACCORDANCE WITH THE
Goldenrod - TEXAS Sheriff's Office
Pink - - - Case

Sgt. S. Apodaca
DETAIL SUPERVISOR

541-4120

PHONE NUMBER: _____

EP/mb #C-132

11.9.82
(31-3)

H10

(38)

EL PASO POLICE DEPARTMENT

MULTI-PURPOSE

class F

SUPPLEMENTARY REPORT I.D. & R. Offense Aggravated Rape Case No. 01-21045L
 SWORN SUPPLEMENT 5 NOV 1982 10 41 Complainant Kye Sun Delgado
 WITNESS STATEMENT 1501 Avalon #G Address

This STATEMENT was given voluntarily to _____
 of the EL PASO POLICE DEPARTMENT by _____
 Address _____ D.O.B. _____ Phone No. _____
 TIME 11:20 AM DATE November 3, 1982 PAGE 1 OF 1 PAGES

JOHN HENRY YABLONSKY
 DOB: 9-30-63
 DOCKET #11117
 WARRANT #M32-3985 (Judge Millard)
 IN CUSTODY

Case was presented to Lane Reedman, (DA's Office) and was DECLINED.

REASON:

Code 1
 See case information sheet.

Original warrant was dismissed.

Case was returned to Sgt. S. Apodaca, for final disposition.

Det. E. Placencia, #17

EP/mb #C-132

THIS OFFENSE IS DECLARED
 UNFOUNDED
 CLEARED BY ARREST
 EXCEPTIONALLY CLEARED
 INACTIVE (NOT CLEARED)

Subscribed and sworn to before me,
 the undersigned authority, on this _____
 day of _____ 19 _____

TO LAW ENFORCEMENT AGENCY ONLY
 CERTAIN ELEMENTS OF THIS CASE ARE SUBJECT
 TO NONDISCLOSURE IN ACCORDANCE WITH THE
 TEXAS OPEN RECORDS ACT.
 RECORDS CONFIDENTIAL BY LAW.
 DATE: _____ BY: _____ TO: _____

38
 31-4
 AA
 E.P.P.D. #36-11-031

SHERIFF'S DEPARTMENT
 COUNTY OF SAN BERNARDINO
 CALIFORNIA
 CA 03600

Page 1

CASE NO.
 DR #1331306-07
 H #100-85
 REPORT AREA
 Lucerne Valley, Ca.

CODE SECTION PC 187	CRIME MURDER	CLASSIFICATION Stabbing
VICTIM'S NAME - LAST NAME Cobb	FIRST NAME Rita	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

CONTACT: Victim #1 Long Beach Police Department, report #960239715

Information: During the investigation I ran a criminal history on John Yablonski and found he had two prior arrests for rape. The first arrest occurred in 1982, in El Paso Texas. I contacted the El Paso Police Department and obtained a copy of the police report. The second arrest occurred in 1996, in Long Beach California. I contacted the Long Beach Police Department and obtained a copy of the police report.

John was arrested for other crimes such as drugs and burglary and I attempted to obtain a copy of the burglary reports but found the reporting agency(s) had purged the reports.

Contact: After obtaining the rape reports I used police computer programs to search and locate the victims listed in each report.

On November 17, 2010, I spoke with Victim #1 via telephone and did not record the conversation. I explained I worked for the San Bernardino County Sheriff's Department, Cold Case Unit and was trying to locate Victim #1 who lived in Long Beach in the mid 1990's. Additionally, I was looking for someone who reported to the Long Beach Police Department she was the victim of a sexual crime.

Victim #1 confirmed she was the person I was looking for. She briefly dated a man named John Yablonski and broke off the relationship because he was violent and using drugs. We did not discuss the rape report or the facts of the rape report. I explained John Yablonski had been arrested for committing a murder in Lucerne Valley and was currently in jail awaiting trial.

I told Victim #1 during trial we would like to have victims of other sexual crimes committed by Yablonski, testify in court regarding what happened to them. Victim #1 said she understood and was willing to assist us if needed. I told her the trial could happen soon or be many months away.

After obtaining her current contact information, I ended the conversation.

WHERE ARE RECORDED TRANSCRIPTS
 DET. ALEXANDER HAS HISTORY OF ALTERING EVIDENCE AND LYING

REPORTING OFFICER ALEXANDER	#A1672	DATE 11-18-2010	REVIEWED BY	TYPED BY	ROUTED BY	DATE
HER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS (31-5)		

THIS WAS MY EX FINANCE, I JUST MOVED OUT THAT DAY BEFORE

THIS WAS NEVER FILED, DISMISSED BY INVESTIGATOR AND A PERMANENT RESTRAINING ORDER WAS GIVEN TO YABLONSKI AGAINST HIM AND THROUGH COURTS, NO ATTEMPT TO RETRIEVE THIS DATA WAS MADE BY SANDERS. I TOLD HIM THEY DON'T

ON THE STAND, ALL AGENCY CALLS ARE RECORDED THROUGH AGENCY PHONE SYSTEM, WHERE ARE THESE RECORDS. IT IS BELIEVED THAT THIS DOCUMENT WAS

109

BOOKING NO. 012593	LOC BKD. 1000	DR LIC. NO. 111012087	STATE CA	Investigator - forward to Records			
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) HENRY JOHN HENRY				ADDITIONAL AKA			
ADDRESS 3131 E 7TH				CITY LONG BEACH	STATE CA	ZIP 90800	
SEX M	DESC. M	HAIR BLN	EYES HAZ	HEIGHT 500	WEIGHT 175	BIRTHDATE 08-30-43	AGE 374
VEH. LIC. NO. 9123				STATE CA	RPT. DIST.	AKA/POKNAME	ADDITIONAL CRS TO BE CLEARED VICTIM
BIRTHPLACE CALIF		D.R. NO. 9A03K9715		AD. CHG.			
AG'Y. OR DETAIL ARRESTING 1041		DATE & TIME ARRESTED 10-24-96 2030		TIME BKD. 2200			
LOCATION OF ARREST 5081 CHERRY				TOTAL BAIL 50000.00			
CHARGE 261(A)(2)PC F RAPE BY FORCE/FF				WARR. COMM. NO.			

LAW ENFORCEMENT ARREST DISPOSITION CODES

COMPLAINT FILED	CASE # _____	DATE ISSUED _____	BY DEPUTY _____
10 FELONY FILED	CHGS.: #1 _____		<input type="checkbox"/>
20 MISDEMEANOR FILED BY DEPARTMENT; ARRESTEE ORIGINALLY ARRESTED FOR FELONY	#2 _____		<input type="checkbox"/>
21 MISDEMEANOR FILED, DISTRICT ATTORNEY DENIED FELONY COMPLAINT.	#3 _____		<input type="checkbox"/>
22 MISDEMEANOR FILED.			
RELEASED DATE	10-25-96 RNF		
DISTRICT ATTORNEY DENIED COMPLAINT			
70 DIMINUS (Insufficient) QUANTITY OF EVIDENCE	61 ARRESTEE EXONERATED.		
71 LACK OF CORPUS.	62 INSUFFICIENT EVIDENCE		
72 DEFENDANT MENTALLY UNFIT FOR PROSECUTION	63 VICTIM OR COMPLAINANT REFUSES TO PROSECUTE		
73 LACK OF PROBABLE CAUSE	64 DEFENDANT DECEASED.		
75 INTEREST OF JUSTICE	JUVENILE CODES		
76 VICTIM UNAVAILABLE OR UNCOOPERATIVE	51 HANDLED WITHIN DEPARTMENT.		
80 WITNESS UNAVAILABLE OR UNCOOPERATIVE.	52 DIVERSION.		
84 ALLEGED VIOLATION OF RIGHTS:	53 TURNED OVER TO PROBATION DEPARTMENT.		
87 OTHER DISCRETIONARY REFUSAL TO PROSECUTE	54 NON-DETAINED OR RELEASED PETITION FILED.		
88 DEFENDANT SERVING SENTENCE ON PREVIOUS CONVICTION	55 DETAINED PETITION FILED.		
89 DEFENDANT ON TRIAL FOR MORE SERIOUS OFFENSE	57 EXONERATED & RELEASED.		
90 DEFENDANT CANNOT BE EXTRADITED.	58 RELEASED - INSUFFICIENT EVIDENCE.		
91 DEFENDANT CANNOT BE LOCATED OR IS OTHERWISE UNAVAILABLE	59 RELEASED TO ANOTHER LAW ENFORCEMENT AGENCY FOR FURTHER INVESTIGATION OR ACTION.		
92 DEFENDANT NECESSARILY GRANTED IMMUNITY; TESTIMONY NECESSARY.			
PROS. REJ. BY DEPUTY _____	DATE _____		

446808

CASE RE-ASSIGNED TO _____

NARRATIVE
 VICT. REFUSES TO PROSECUTE + SIGNED A WAIVER ON 10-25-96. ABOVE SUBJ. WAS RELEASED, RNF'd m - 10-25-96.

SUSPECT _____ NO LONGER WANTED

OK TO RELEASE/DESTROY PROPERTY, TAG # _____

INVESTIGATOR: R. WATSON DETAIL: SXC DATE: 10/30/96

STATES: CLEARED BY ARREST (COMPLAINT MUST BE FILED) SUSPENDED DISPOSITION LETTER

OTHER MEANS (REJECTION/WAIVER) UNFOUNDED

ORIGINAL TO RECORDS: COPIES TO PROPERTY OFFICER Aslake. 15334

H6
37

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

JOHN YABLONSKY
3131 E. 7th St. #1
L.B. CA 90804

TELEPHONE NO.:

(310) 432-1940

FOR COURT USE ONLY

FILED
LOS ANGELES SUPERIOR COURT

DEC 18 1996

JOHN A. CLARKE, CLERK

K. Lane
BY K. LANE, DEPUTY
PETITIONER/PLAINTIFF

- RESPONDENT/DEFENDANT
- PETITIONER/PLAINTIFF
- RESPONDENT/DEFENDANT

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 415 W. OCEAN BLVD.

MAILING ADDRESS: ROOM 401

CITY AND ZIP CODE: LONG BEACH, CA 90802

BRANCH NAME: SOUTH

PERSON TO BE PROTECTED: JOHN YABLONSKY

PERSON TO BE RESTRAINED: LORI AMARO

RESTRAINING ORDER AFTER HEARING (CLETS)
(Domestic Violence Prevention)

CASE NUMBER:

ND026697

This form may be used in conjunction with the Findings and Order After Hearing form (rule 1296.31) if the court makes additional orders.

1. This proceeding was heard on (date): 12-18-96 at (time): 8:30 AM in Dept.: R Room: by judge (name): Frederick Chamberlen Temporary Judge
2. a. Petitioner/plaintiff and respondent/defendant were personally present at the court hearing. No additional proof of service of these restraining orders is required.
- b. Petitioner/plaintiff was personally present and proof of service of the Order to Show Cause was provided.

THE COURT FINDS

3. a. The restrained person is (name): LORI AMARO

Sex: M F Ht: 5-4 Wt: 116 Hair Color: BRN Eye Color: BRZ Race: CAUC Age: 32 Date of birth: 11-11-64

b. The protected person is (name): John Yablonsky

c. The protected family and household members are (names): ~~LORI AMARO~~
Joseph, Kenneth & Brian Yablonsky

THE COURT ORDERS

THIS ORDER, EXCEPT FOR ANY AWARD OF CHILD CUSTODY OR VISITATION, SHALL EXPIRE AT MIDNIGHT ON (date): 12-17-96 12-17-96

4. The restrained person *(?)*
 - a. shall not contact, molest, attack, strike, threaten, sexually assault, batter, telephone, or otherwise disturb the peace of the protected person and family or household members.
 - b. shall stay at least 100 yards away from the protected persons and
 - (1) protected person's residence
 - (2) protected person's workplace
 - (3) protected person's children's school or child care
 - (4) other (specify): except for AA club located at 5661 Cherry in L.B.
 - c. shall immediately move from (address): and take only personal clothing and effects.

- Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both.
- Any person subject to a restraining order is prohibited from obtaining or purchasing or attempting to purchase a firearm by Penal Code section 12027. Such conduct may be a felony and punishable by a \$1,000 fine and imprisonment.
- Other violations of this order may also be felonies punishable by fines or imprisonment, or both.

(Continued on reverse)

31-7

EXHIBIT

H7
(37)

PERSON TO BE PROTECTED (Name) JOHN VADLOVSKY

CASE NUMBER

PERSON TO BE RESTRAINED (Name) CERI AMARO

ND026697

6 a. Custody of the minor children:

Child's name	Physical custody is awarded to (Specify name of parent or "joint")	Legal custody is awarded to (Specify name of parent or "joint")
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

b. Parent without physical custody (name):

- (1) shall not have visitation
- (2) shall have visitation as follows (specify times and conditions, if any):

6. Fees for service of this order by law enforcement agencies are waived.

7. By the close of judicial business on the date of this order, a copy of this order shall be delivered by the protected person to the law enforcement agency having jurisdiction over the residence of the protected person, who shall provide information to assist in identifying the restrained person. Proof of service of this order on the restrained person shall also be provided to the law enforcement agency unless the order shows the restrained person was present in court. The law enforcement agency having jurisdiction over the plaintiff's residence is (name and address of agency):

8. A copy of this order shall be given to the additional law enforcement agencies listed below as follows:
(1) Person to be protected shall deliver. (2) Person to be protected's attorney shall deliver.
(3) The clerk of the court shall mail.

Law enforcement agency Address

Long Beach PD

9. Other orders (specify): Defendant shall permit plaintiff to claim his personal property from Defendant's home upon 3 days notice

Date: 12-18-96

JUDGE OF THE SUPERIOR COURT

Frederick Chamberlen Pro Tem

This order is effective when made. It is enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of it, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received, and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

ISEAL:

CLERK'S CERTIFICATE

I certify that the foregoing Restraining Order After Hearing (CLETS) is a true and correct copy of the original on file in the court.

Date: Clerk, by Deputy

31-8 1-10-97 H8 EXHIBIT M (37)

EXHIBIT COVER PAGE

32

EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

COLD CASE: DNA matched crime

FROM PAGE 1

tion without a license and he got into it with one of his customers," said Detective Rob Alexander, who is assigned to the San Bernardino County Sheriff's Homicide Cold Case team. "Once he was arrested, they realized he was a convicted felon but had never submitted DNA, so they took a sample at that time."

Using DNA extracted from Cobb's sex kit in 2008, investigators were able to make a positive match using the Combined DNA Index System.

"I knew his father," Kraemer said of Yablonsky.

In September 1985, a couple went to Cobb's home in search of her. But they were not prepared for what they were about to discover: her nude body in a bedroom of her home.

"I didn't even realize she was murdered at first," Daryl Kraemer said in a previous interview with the Daily Press. "Then my wife — she's the one who saw that this was a murder. I blocked

out of it. When I saw it, I blocked it all out. I just went out in front of the house screaming."

At the time of Cobb's murder, DNA science was in infancy and still developing. As DNA technology progressed, it afforded investigators the opportunity to solve cases that had gone cold.

"It's always been the hope the evidence collected at the time of the crime, with assistance of new technology, will be able to bring more information to cold case investigations," Thomas said in an earlier interview.

The Kraemers feel that the arrest of Yablonsky is not only good news for them, but for others who are struggling through the unsolved death of a loved one.

"It gives them hope," Marta Kraemer said.

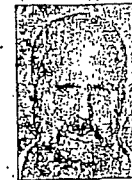
Yablonsky, a convicted felon, was arrested on Sunday and is to be arraigned today for murder.



Rita Cobb

CRIMINALS

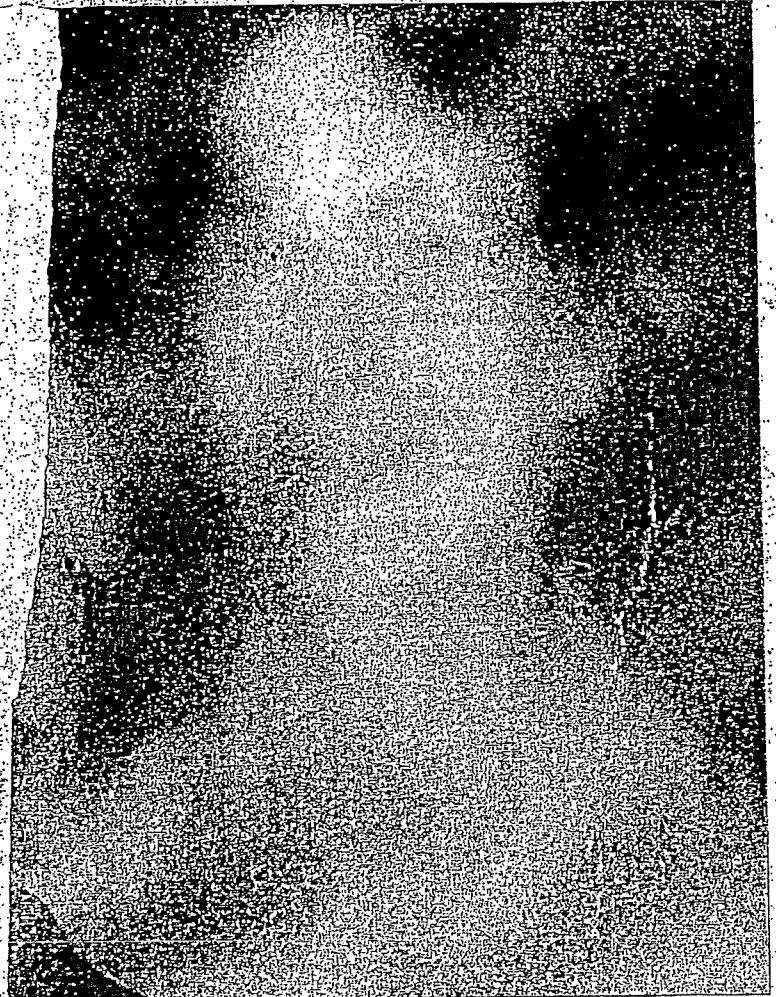
MURDER SUSPECT



John Henry Yablonsky

"It's a nice feeling to be able to arrest this man, especially for the family."

JOHN THOMAS • ASSISTANT DISTRICT ATTORNEY



James Quigg; Daily Press. Yablonsky is murdered mother, Rita Cobb, in the background. John Yablonsky of Cobb.

Lucerne Valley woman's murder

BY BEATRIZ VALENZUELA
STAFF WRITER

LUCERNE VALLEY • After two painful decades of not knowing, Daryl Kraemer finally has the answers he's been searching for: the name of the man who murdered his mother 24 years ago.

"Today is a good day,"

Kraemer said more than 24 hours after receiving a call that the man who brutally sexually assaulted and murdered his mother, Rita M. Cobb, had been arrested on Sunday.

John Henry Yablonsky of Long Beach was identified as Cobb's killer when officials matched his DNA with

DNA discovered at the murder scene, San Bernardino County Sheriff's officials said on Monday.

"It's a nice feeling to be able to arrest this man, especially for the family," said San Bernardino County Assistant District Attorney John Thomas, who is in charge of cold cases in the

High Desert.

Yablonsky, who previously rented a back house on Cobb's Lucerne Valley property, was arrested in October 2008 in Long Beach for disturbing the peace, officials said.

"He was working construc-

SEE COLD CASE • PAGE 6

to even at the time they rear...
out and drinking because they were related to

unusually long when compared

"People became much

(32-1)

WZ

BEFORE TRIAL

RELIGION

JUSTICE: Detective credits original investigators' work

FROM PAGE 1

Department Homicide Cold Case team. "Once he was arrested, they realized he was a convicted felon but had never submitted DNA, so they took a sample at that time."

Using DNA extracted from Cobb's sex kit in 2003, investigators were able to make a positive match using the Combined DNA Index System.

On Monday, Sept. 23, 1985, Kraemer and his wife Marta, discovered Cobb's nude body in a bedroom of her home.

"By the positioning of the body it appeared that Rita had been sexually assaulted," said Arden Wiltshire, spokeswoman for the Sheriff's Department.

Authorities worked tirelessly to try to catch the murderer at the time, but Alexander said they just hit too many dead-ends. He estimates that dozens of people were questioned and some were made to submit blood samples, but Yablonsky was not one of them.

Yablonsky, roughly 22-years-old at the time had already moved out of then-55-year-

old Rita's home and he was never considered a suspect. Kraemer hired a private investigator at one point, Alexander said, and that man did actually interview Yablonsky about Cobb's murder.

"He must not have gotten anything he thought was substantial, because he never contacted the Sheriff's Department to let them know anything," Alexander said.

At the time of Cobb's murder, DNA science was



YABLONSKY

in infancy and still developing. As the science progressed and evolved it afforded investigators the opportunity to solve cases that had gone cold.

"They didn't have the technology to do anything with it, but they knew to save it as evidence," Alexander said about the DNA the original investigators collected. He said that of all the cold cases he's worked the original legwork was most evident and most comprehensive in this case.

The Kraemers feel that

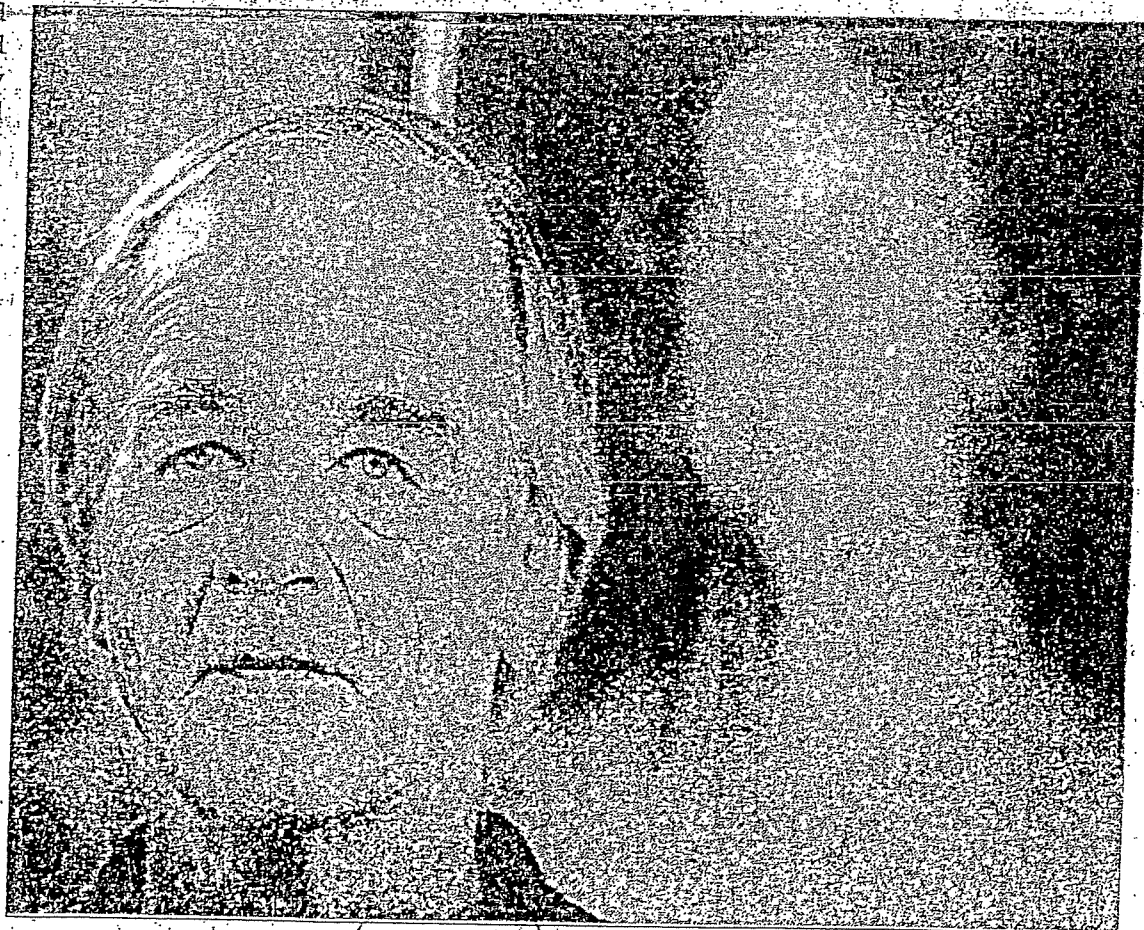
the arrest of Yablonsky is not only good news for them, but for others who are struggling through the unsolved death of a loved one.

"It gives them hope," Marta Kraemer said.

The same cold case team solved a second 20-year-old murder, the same week.

Yablonsky, a convicted felon, was arrested on Sunday and is to be arraigned today for murder.

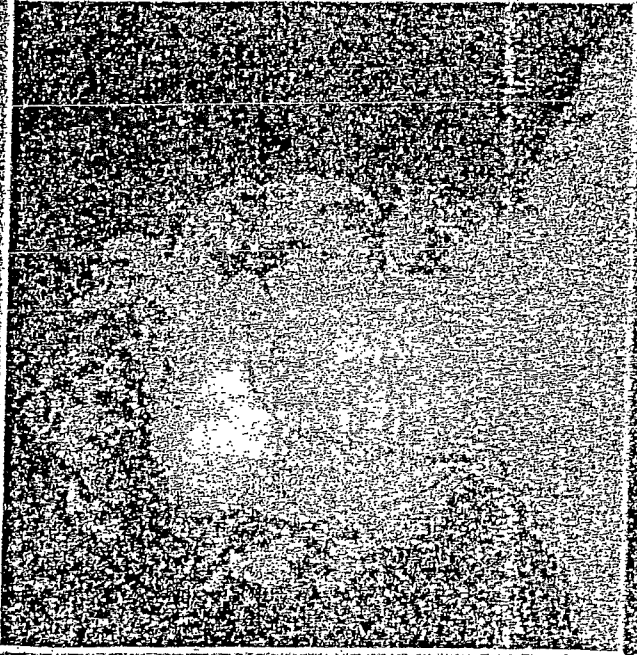
Katherine Rosenberg can be reached at 964-9057 or by e-mail at krosenberg@vvdailypress.com.



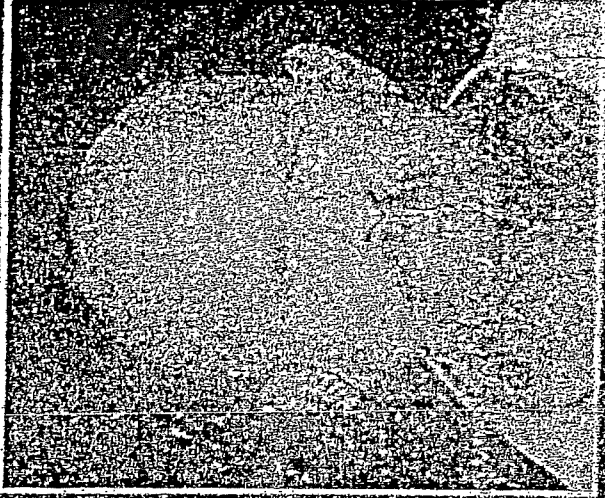
Daryl Kraemer is seen with a photograph of his mother. Kraemer's wife Marta said the arrest will give people hope.

32-2

W3



Rita Cobb



John Henry Yablonsky

It's always been the hope the evidence collected at the time of the crime, with assistance of new technology, will be able to bring more information to cold case investigations.

John Thomas
San Bernardino County District Attorney

1985 murder case finally in court

BY PATRICK THATCHER AND
BEATRIZ E. VALENZUELA
STAFF WRITERS

VICTORVILLE • The family of Rita Cobb is one step closer to seeing justice done, after a judge ordered the man charged with killing her in Lucerne Valley nearly a quarter-century ago to stand

John Henry Yablonsky, 46, years ago inside her Lucerne of Long Beach was arrested. Valley home. Her nude body in March after law enforcement officials matched his DNA with evidence at the murder scene, according to San Bernardino County District Attorney John Thomas. Yablonsky pleaded not guilty to the charges. Prosecutors allege that said original investigator

(fied about gathering evidence including DNA — and preserving it. At the time of Cobb's murder, DNA science was in infancy and still developing. As DNA technology progressed, it afforded investigators the opportunity to solve cases that had gone cold.

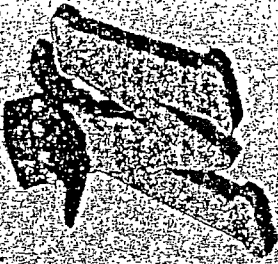
MicroSoft to take on Google

SAN FRANCISCO • Microsoft firm, persuaded Yahoo to surrender control of the Internet's second most popular search engine and join it in a daunting battle — taking on the ever-widening dominance of Google in the online advertising market. **C6**

SPORTS

In the clubhouse

ADELANTO • Tomoya Shimamura makes a look at High School baseball. **11**



FEATURES

Water exercise

There is no better place to exercise those 50-and-older joints than in a swimming pool. **D1**

COMING TOMORROW

Beat the heat at Lake Gregory

CRESTLINE • Relax on the sandy beach or take the plunge down the water slide. **1**

33-3

24

COLD CASES: DNA matched crime

FROM PAGE 1

tion without a license and he got into it with one of his customers," said Detective Rob Alexander, who is assigned to the San Bernardino County Sheriff's Homicide Cold Case team. "Once he was arrested, they realized he was a convicted felon but had never submitted DNA, so they took a sample at that time."

Using DNA extracted from Cobb's sex kit in 2003, investigators were able to make a positive match using the Combined DNA Index System.

"I knew his father," Kraemer said of Yablonsky.

In September 1985, the couple went to Cobb's home in search of her. But they were not prepared for what they were about to discover: her nude body in a bedroom of her home.

"I didn't even realize she was murdered at first," Dryle Kraemer said in a previous interview with the Daily Press. "Then my wife — she's the one who saw that this was a murder. I blacked



Rita Cobb

out of it. When I saw it, I blocked it all out. I just went out in a out of the house screaming."

At the time of Cobb's murder, DNA science was in infancy and still developing. As DNA technology

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evolved, investigators were able to make a positive match using the Combined DNA Index System.

GOLD CASES: Team has reviewed about 100 cases

FROM PAGE 1

Greg Myler and Robert Alexander and Homicide car salesman, Thomas killing Gibson and a Reno Washington state before a good feeling to see all Henry Yablonsky, 46, of the hard work past detective Long Beach, was arrested in March after law enforcement officials matched his DNA with evidence at the murder scene. The attack took place in Cobb's home in Lucerne Valley in 1985.

For the men of the team, which occasionally includes Ray Scott, Detective Ray Scott, solving these cases has become a calling.

"I have no intention or desire to stop doing what I'm doing right now," Thomas said.

Beatriz E. Valenzuela may be reached at 951-6276 or at BvaValenzuela@VVDailyPress.com.

Before 1985

Team finds justice years after crimes

Cold Case Unit makes a dozen arrests in 19 months

BY BEATRIZ E. VALENZUELA
STAFF WRITER

As time passes and family members begin to lose hope, four men step up and help find justice for those who've been killed years, sometimes decades ago.

In the 19 months or so since it was created, the San Bernardino County Sheriff's Department's Cold Case Unit has arrested and brought charges against people in 12 cases.

"I think it's a great thing for the victim's family to have some sense of justice," Assistant District Attorney John Thomas said. "Thomas has been a part of the team since its inception in April 2008, along with homicide detectives

SEE COLD CASES • PAGE 5

2/7

JUSTICE AFTER 24 YEARS: COLD CASE MURDER SOLVED

Family feels justice: Son of slain woman calls it "a good day" when Long Beach man is arrested

BY KATHERINE ROSENBERG
AND
BEATRIZ E. VALENZUELA
STAFF WRITERS

LUCERNE VALLEY • After nearly 25 years of not knowing, Daryl Kraemer finally has the answers he's been searching for. He now knows who murdered his mother 24 years ago in her Lucerne Valley home.

"Today is a good day," Kraemer said less than 24 hours after receiving a call at the man who brutally and murderously assaulted and murdered his mother, Rita M. Cobb, had been arrested on

Sunday. John Henry Yablonsky of Long Beach was identified as Cobb's killer when officials matched his DNA with DNA discovered at the murder scene, San Bernardino County Sheriff's officials said on Monday.



"It's a nice feeling to be able to arrest this man, especially for the family," Assistant District Attorney

John Thomas, who is in charge of cold cases in the High Desert region of San Bernardino County.

Yablonsky, who previously rented a back house on Cobb's property, was arrested in October 2008 in Long Beach for disturbing the peace, officials said.

"He was working construction without a license and he got into it with one of his customers," said Detective Rob Alexander, who is assigned to the San Bernardino County Sheriff's

SEE JUSTICE • RELIGION 6

LYMAN ARRESTED FOR MURDER

BY CHARLES NGUYEN
STAFF WRITER

More than two decades after John Eller was strangled to death and left on a dirt road intersection in Newberry Springs, a letter sent to county detectives led to the recent arrest of a man they believe is responsible.

SEE ARREST • EDUCATION 5

MORE NEWS

Man arrested in cold case pleads not guilty

The man arrested for the cold case murder of Rita M. Cobb 24 years ago in Lucerne Valley pleaded not guilty during his arraignment Tuesday afternoon. John Henry Yablonsky, 46, was arrested in Long Beach in October 2008 for disturbing the peace, according to sheriff's officials.

He was formally charged on Tuesday with the murder after his DNA was positively matched with DNA from the crime scene.

Deputy District Attorney John Thomas, who is in charge of the cold case unit for the High Desert, said Yablonsky currently faces one count of murder but other special circumstances could be added to the charge. Bail was set at \$1 million.

336

w7

Study: DNA collected from non-violent offenses help solve cold cases

BY TOMOYA SHIMURA
STAFF WRITER

SACRAMENTO • DNA collected in non-violent offenses is helping authorities crack cold cases involving serious crimes such as rape, murder and robbery, according to a study.

In 78 percent of the matches to an unsolved violent crime, DNA was collected from adults arrested for non-violent offenses such as fraud, drug or property crimes, the study by the California Attorney General's office revealed.

DNA testing led to the arrest of John Henry Yablonsky of Long Beach who is now charged with

the 1985 murder of Rita Cob at her Lucerne Valley home.

Los Angeles County Sheriff's deputies arrested Yablonsky for an unrelated misdemeanor, and when they realized he was a convicted felon but never submitted DNA, they took a sample. His DNA matched with evidence at the murder scene.

Since the 1990s, California law enforcement officers have collected DNA of serious felony offenses. But Proposition 69, which took effect in January 2009, expanded the database as authorities now collect DNA at the time

of the arrest for any felony offense.

The study by the Attorney General's office surveyed 69 DNA matches to violent felonies made over 15 months since Proposition 69 took place.

But it didn't prove the effectiveness of collecting samples at the time of arrest compared to doing that after conviction. Michelle Quinn, a spokeswoman for the Attorney General's office, said the study didn't analyze whether the arrestees were later convicted or not.

Tomoya Shimura may be reached at tshimura@VVDailyPress.com or (760) 955-5368.

Mon June 21, 2010

front page

33-7

WS

TRIAL STARTS FOR 1985 L.V. MURDER

BY TOMOYA SHIMURA
STAFF WRITER

VICTORVILLE • Daryl Kraemer walked inside his mother's Lucerne Valley home and smelled "something dead," almost like a septic tank, in an unusually hot house.

It was a quiet September morning except for the blaring music from a radio.

Kraemer looked inside a bedroom, and there he saw his 55-year-old mother, decomposing and naked on her bed. He cried and screamed and ran out of the house. Looking up at the sky, he yelled, "Why?"

Kraemer relived that moment more than 25 years later on Monday as he testified in the jury trial of John Yablonsky, who is accused

of strangling Rita M. Cobb to death with a wire coat hanger.

"I just went crazy in shock," Kraemer told jurors about discovering his dead mother on Sept. 23, 1985. Across from him in a Victorville courtroom sat the 47-year-old defendant dressed in a gray suit with a shaved head and glasses, diligently taking notes.

Yablonsky is charged with murder and special circumstances of rape or attempted rape. If convicted, he could face life in prison without parole.

Yablonsky wasn't arrested until March 2009, when San Bernardino County Sheriff's officials matched his DNA with evidence discovered at

SEE MURDER • PAGE 3

Wednesday, January 26, 2011 | PAGE 3

MURDER

FROM PAGE 1

the murder scene. The investigation took so long because DNA science was still in its infancy in 1985.

During the interview with detectives, Yablonsky recognized Cobb in a photo lineup. He and his family used to rent Cobb's back house until they moved out about a year before her death. Yablonsky, 21 years old at the time, still lived close to Cobb's house in the 35400 block of Highway 18.

But Yablonsky denied ever having an intimate

relationship with the victim. His attorney, Deputy Public Defender David Sanders, reserved his opening statement for later in the trial.

Investigators found no signs of robbery at the crime scene. Cobb had her jewelry on and her purse was in plain sight.

Kraemer said when he first saw his mother's body, he had no idea she had been murdered. He thought she killed herself because she had been so lonely and despondent.

"I don't believe I ever touched her body," Kraemer said. "I wanted to reach out to her and hold her but I just couldn't do it."

MY ATTORNEY WON'T ASK QUESTIONS

I HAD TO FORCE HIM TO ASK VIRTUALLY EVERY QUESTION AND STILL HE REFUSED TO CHALLENGE THE PERJURING WITNESSES

THE BODY WAS MOVED SETLORMENT STAYS THIS ZEVITY

PHOTOS

THE COPS STAYED IN THE A SINGLE PIC OF RITA NO LINEUP AND JUST BECAUSE I RECOGNIZED HER DOESN'T MEANS I KILLED HER

(338)

W9

EXHIBIT COVER PAGE

33
EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT
MINUTE CLERK

CASE NO: 04191818

DATE: 10/21/10

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA
vs.
JOHN HENRY YABLONSKY

DEPT: 02 04 10:11 TIME: 8:35 AM PPE-TRIAL

CHARGES: 186(A), PC-F

*FLYERS
MAILED
10/21/10*

JUDGE JOHN M. TOMBERLIN
Clerk: Vickie Lo Vasco
Certified Court Reporter: Shawna Manning; CSP# 10817
Deputy District Attorney JOHN THOMAS present.
Deputy Public Defender DAVE SANDERS present
Defendant present in custody.

PROCEEDINGS

Action case on for Pretrial

STIPULATED Motion TO SET TRIAL DATES IS GRANTED.

HEARINGS

Pretrial set for 07/12/2010 at 9:00 in Department 02;
Estimated 1 day.

Business calendar set for 07/09/2010 at 8:35 in Department 02.

Pretrial set for 08/11/2010 at 8:35 in Department 02.

Defendant ordered to appear on hearing date.

TIME WARNINGS

Set Last Date for Trial on 07/12/2010.

Time warned for trial; plus 60 days.

CRIMINAL STATUS

Case Status - In Custody

===== MINUTE CLERK END =====

APPLX 2.

Handwritten signatures and initials: 1B1, [Signature], [Signature], [Signature]

Handwritten circled text: 59 33-10

111
116

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PO Box 1577
Lucern Valley 92356

Bob Conaway for San Bernardino District Attorney -2010

PO Box 865, Barstow, CA. 92312 - FPPC 1325511

Home

Wednesday, May 19, 2010

Ramos in a political flyer (for political gain?) exploits a man the system presumes innocent!!

6:21 PM | Posted by BobConawayforDA

Today, most of San Bernardino County voters received a color flyer with John Yablonsky's name on it with the words "IT'S NEVER A COLD CASE" and on the other side "GANGBUSTER". Ramos slides to new lows by not only bragging about a conviction rate of roughly 60% (when most major counties have an 85-90% conviction rate) and bragging about his having waited almost his entire term before filing for a getting an anti-gang injunction (curiously timed to just before the election), but he now taints the jury pool (voters are typically amongst the people that serve on juries) by putting the name and face of an accused (not yet convicted) alleged killer on one of his political fliers. I hope that Yablonsky, if he guilty, does not get off due to the advertising stunt of a desperate Mike Ramos anxious to find any reason to tell voters to vote for him. Why, I ask you, if his department has sent "over 3,000 gangbangers" to prison (which is barely over 60% of the people he charged—which means rough 2,000 gangbangers who committed crimes are back on the street doing their thing) did Ramos not use the names of people he succeeded in putting away as evidence of his success? Why pick a man that has the presumption of innocence, especially where the result might be to taint the jury pool. How far does Ramos go to win? Oh yeah, I forgot, Ramos is not bothered by the law.

Labels: [Bob Conaway for DA](#), [Bob Conaway for District Attorney](#), [John Yablonski](#)

0 comments:

Post a Comment

Comment as: Select profile...
Post Comment Preview

33-11

A10

28

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BX

IT'S NEVER A "COLD CASE"

"A case is never cold to the family of a murder victim. That's why I have worked with the Sheriff to start the Cold Case Unit. Using DNA evidence, we have filed murder charges in 19 cold cases. Twenty five years after the crime, Rita Cobb's family will have closure."

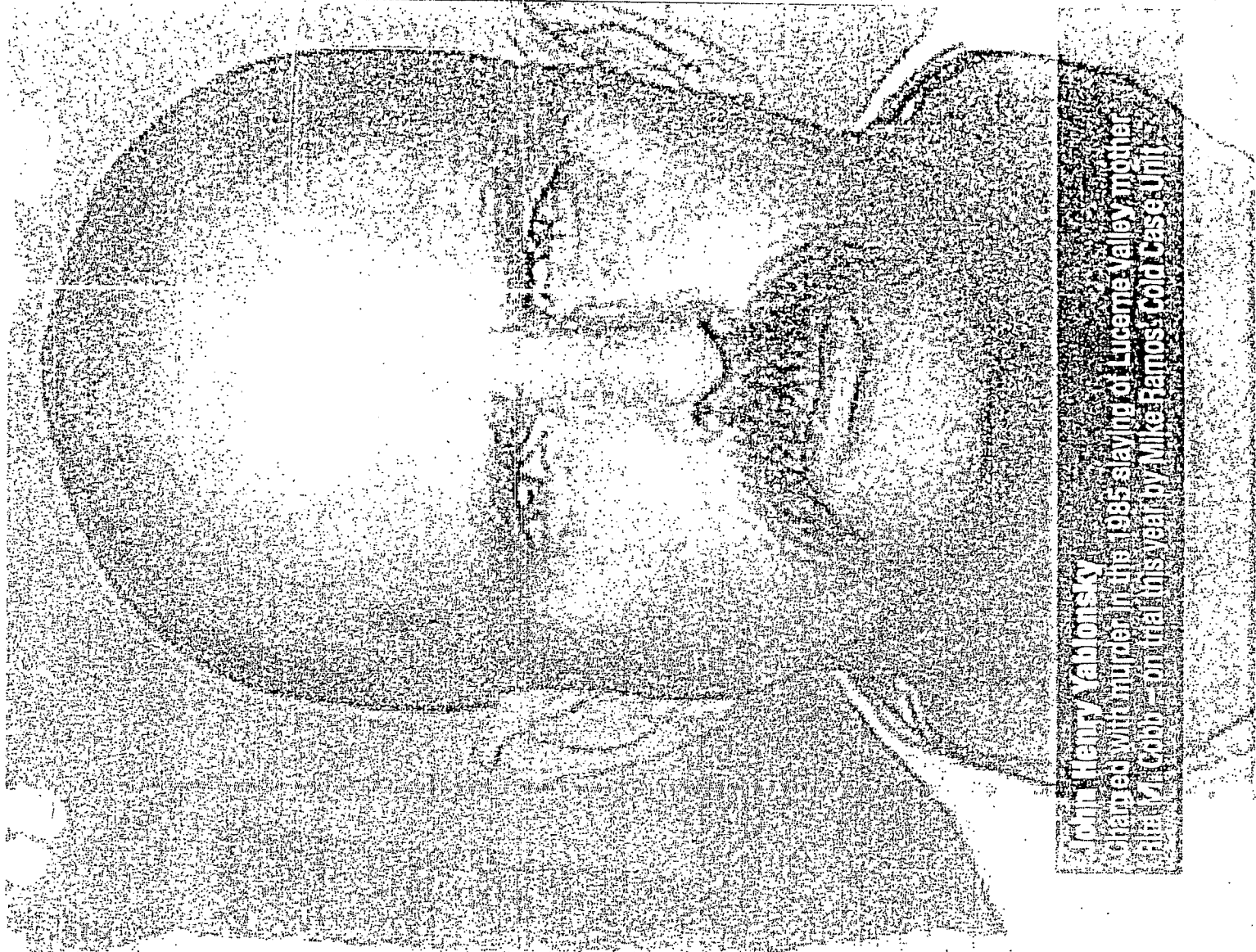
- Mike Ram6s
District Attorney

MAY 23
2010

*****ECLRL01**C005
Philip Zwyetel
17112 Century Plant Rd
Apple Valley, CA 92307-6942

2-3-2

Committee to Re Elect Mike Ramos San Bernardino County District Attorney 2010
P.O. Box 7790
Redlands, CA 92375
ID#9909332
www.RamosforDA.com



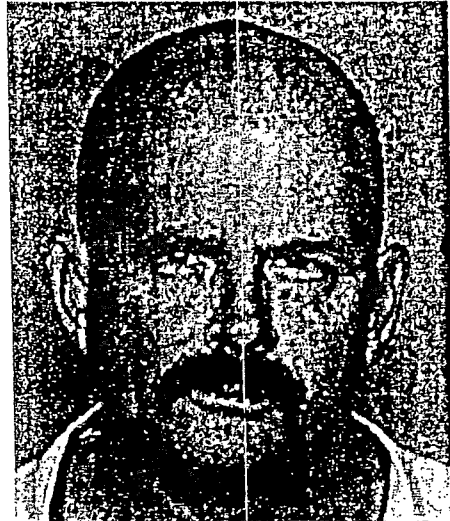
Philip Zwyetel
charged with murder in the 1985 slaying of Lucerne Valley mother
Rita Cobb - on trial this year by Mike Ram6s, Cold Case Unit

IT'S NEVER A "COLD CASE"

"A case is never cold to the family of a murder victim. That's why I have worked with the Sheriff to start the Cold Case Unit. Using DNA evidence, we have filed murder charges in 19 cold cases. Twenty five years after the crime, Rita Cobb's family will have closure."

Mike Ramos
District Attorney

John Henry Yablonsky
Charged with murder in the 1985 slaying of Lucerne Valley mother Rita M. Cobb - on trial this year by Mike Ramos' Cold Case Unit.



3 TO EVERY ADDRESS MAILED
LAST MAY 23, 2010
TRIAL SET
JUNE 11, 2010

CalVCP is proud to recognize

CRIME VICTIMS' RIGHTS

Business. dignity. respect.

ONE 57446

CRIME VICTIMS SAY RE-ELECT DISTRICT ATTORNEY MIKE RAMOS

"Mike Ramos has delivered on his promise to assist crime victims. He has earned re-election and my full support."

Eleanor Rossi
Eleanor Rossi
parent of murdered child
San Bernardino County



Eleanor Rossi and Mike Ramos at last month's National Crime Victims' Rights Week

CRIME VICTIMS & LAW ENFORCEMENT AGREE RE-ELECT DISTRICT ATTORNEY MIKE RAMOS

"Your deputy sheriffs and law enforcement professionals are working hard to re-elect District Attorney Mike Ramos. He is a tough prosecutor with the highest integrity."

William Abernathie
William Abernathie
President, SEBA

- Law Enforcement Organizations
- California Police Chiefs Assn.
 - California Narcotic Officers' Association
 - California Coalition of Law Enforcement Organizations
 - Peace Officers Research Association of California (PORAC)
 - Barstow Police Officer's Association
 - Colton Police Officers Association
 - Fontana Police Officers Association
 - Montclair Police Officer's Association
 - Ontario Police Officers' Association, Inc.
 - Redlands Police Officers Association
 - Rialto Police Benefit Association
 - San Bdo. Co. District Attorney Investigators' Assoc.
 - San Bernardino County Police Chiefs and Sheriff Association
 - San Bernardino County Safety Employees' Benefit Association (SEBA)
 - Upland Police Officers' Association
 - California Statewide Law Enforcement Association

- Law Enforcement Officials
- San Bernardino County Sheriff, Rod Hoops
 - Riverside County Sheriff, Stanley Sniff
 - United States Marshal, Adam Torres
 - San Bernardino County Sheriff, Gary Penrod (ret.)
 - California Highway Patrol Chief, Jeff Talbott
 - Chino Police Chief, Stan Stewart
 - Colton Police Chief, Bob Miller
 - Fontana Police Chief, Rod Jones
 - Montclair Police Chief, Keith Jones
 - Ontario Police Chief, Jim Doyle
 - Palm Springs Police Chief, David Dominguez
 - Redlands Police Chief, Jim Bueermann
 - Rialto Police Chief, Mark Kling
 - San Bernardino County District Attorney Chief Investigator, Michael Smith
 - Upland Police Chief, Steve Adams



- California District Attorneys
- Los Angeles County District Attorney Steve Cooley
 - Orange County District Attorney, Tony Rackauckas
 - San Diego County District Attorney, Bonnie Dumanis
 - Imperial County District Attorney, Gilbert Otero
 - Amador County District Attorney, Todd Riche
 - Colusa County District Attorney, John Poyner
 - Contra Costa County District Attorney, Robert Kochly
 - Napa County District Attorney, Gary Lieberstein
 - Ventura County District Attorney, Greg Totten

MAY 23 2010

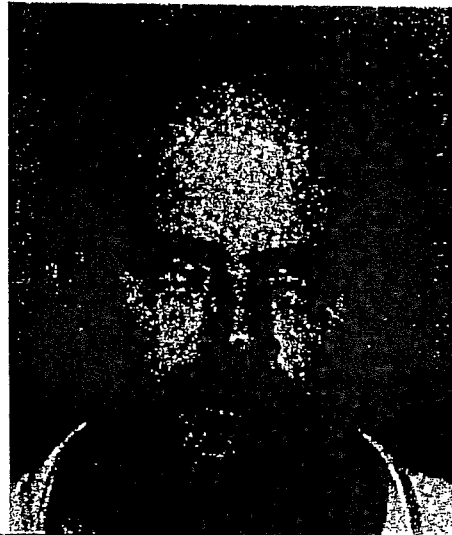
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A2

IT'S NEVER A "COLD CASE"

"A case is never cold to the family of a murder victim. That's why I have worked with the Sheriff to start the Cold Case Unit. Using DNA evidence, we have filed murder charges on 19 cold cases. Twenty five years after the crime, Rita Cobb's family will have closure."

— Mike Ramos
District Attorney



John Henry Yablonsky

Charged with murder in the 1985 slaying of Lucerne Valley mother Rita M. Cobb — on trial this year by Mike Ramos' Cold Case Unit.

Cal VCP is proud to recognize

CRIME VICTIMS' RIGHTS

Business. dignity. respect.

California Victim Compensation Program

CRIME VICTIMS SAY RE-ELECT DISTRICT ATTORNEY MIKE RAMOS

"Mike Ramos has delivered on his promise to assist crime victims. He has earned re-election and my full support."

Eleanor Rossi
Eleanor Rossi
parent of murdered child
San Bernardino County



Eleanor Rossi and Mike Ramos at last month's National Crime Victims' Rights Week

CRIME VICTIMS & LAW ENFORCEMENT AGREE RE-ELECT DISTRICT ATTORNEY MIKE RAMOS

"Your deputy sheriffs and law enforcement professionals are working hard to re-elect District Attorney Mike Ramos. He is a tough prosecutor with the highest integrity."

William Abernathie

William Abernathie
President, SEBA



Law Enforcement Officials

- San Bernardino County Sheriff, Rod Hoops
- Riverside County Sheriff, Stanley Sniff
- United States Marshal, Adam Torres
- San Bernardino County Sheriff, Gary Penrod (ret.)
- California Highway Patrol Chief, Jeff Talbott
- Chino Police Chief, Stan Stewart
- Colton Police Chief, Bob Miller
- Fontana Police Chief, Rod Jones
- Montclair Police Chief, Keith Jones
- Ontario Police Chief, Jim Doyle
- Palm Springs Police Chief, David Dominguez
- Redlands Police Chief, Jim Bueermann
- Rialto Police Chief, Mark Kling
- San Bernardino County District Attorney Chief Investigator, Michael Smith
- Upland Police Chief, Steve Adams

California District Attorneys

- Los Angeles County District Attorney, Steve Cooley
- Orange County District Attorney, Tony Rackauckas
- San Diego County District Attorney, Bonnie Dumanis
- Imperial County District Attorney, Gilbert Otero
- Amador County District Attorney, Todd Riebe
- Colusa County District Attorney, John Poyner
- Contra Costa County District Attorney, Robert Kochly
- Napa County District Attorney, Gary Lieberstein
- Ventura County District Attorney, Greg Totten

3315

99

Law Enforcement Organizations

- California Police Chiefs Assn.
- California Narcotic Officers' Association
- California Coalition of Law Enforcement Organizations
- Peace Officers Research Association of California (PORAC)
- Marston Police Officer's Association
- Colton Police Officers Association
- Ontario Police Officers Association
- Montclair Police Officer's Association
- Ontario Police Officers' Association, Inc.
- Redlands Police Officers Association
- Police Benefit Association
- San Bernardino County Police Chiefs and Sheriff Association
- San Bernardino County Safety Employees' Benefit Association (SEBA)
- Upland Police Officers' Association
- California Statewide Law Enforcement Association

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Charged with murder in the 1985 slaying of Lucerne Valley mother Rita M. Cobb — on trial this year by Mike Ramos' Cold Case Unit.

1 OF 3 DIFFERENT PAGES

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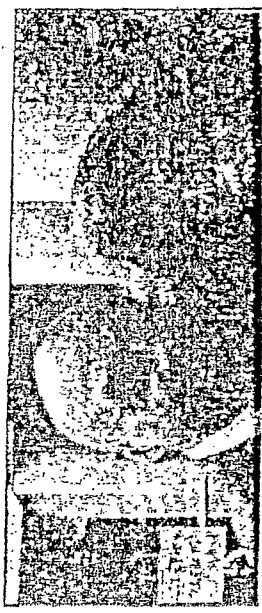
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fairness. dignity.

CRIMINE VICTIMS' RIGHTS ATTORNEY
MIKE RAMOS

"Mike Ramos has delivered on his promise to assist crime victims."



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ee to Re Elect Mike Ramos San
lino County District Attorney - 2010
JX 7790
nds, CA 92375
990932

www.RamosforDA.com

*****ECRL0T**C095
Philip Zywiciel
17112 Century Plant Rd
Apple Valley CA 92307-6942

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THE SUN

San Bernardino County's Newspaper

May 11, 2010

EDITORIAL ENDORSEMENT

Ramos pursues crooks, corruption

"No county official has done more to put an end to corruption in San Bernardino County than District Attorney Michael A. Ramos.

San Bernardino County residents have been well served by District Attorney Michael A. Ramos. Voters should re-elect him on June 8."

Read the full Ramos endorsement editorial at www.sbsun.com/editorial/ci_15057527



District Attorney Mike Ramos has been recognized by the Governor and White House for his work to crack down on gang violence in San Bernardino County

33-19

FOURMAGAZINES • ENDORSED

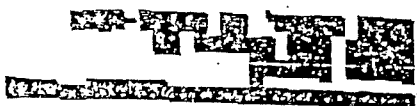
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IT'S NEVER A "COLD CASE"

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— Mike Ramos
District Attorney

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FBI - MEMPHIS

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Committee to Re Elect Mike Ramos San
Bernardino County District Attorney - 2010
P.O. Box 7739
Redlands, CA 92375
ID#990932
www.RamosforDA.com

John Henry Jablonsky
Charged with murder in the 1985 slaying of Lucerne Valley mother
Rita M. Cobb - on trial this year by Mike Ramos' Cold Case Unit.



13

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15

COURAGEOUS • ENDORSED

Rec May 26, 2010

Read the full Ramos endorsement editorial at www.sbsun.com/editorial/15057527

"No county official has done more to put an end to corruption in San Bernardino County than District Attorney Michael A. Ramos. San Bernardino County residents have been well served by District Attorney Michael A. Ramos. Voters should re-elect him on June 8."

Ramos pursues crooks, corruption

EDITORIAL ENDORSEMENT

May 11, 2010

THE SUN
San Bernardino County's Newspaper

District Attorney Mike Ramos has been recognized by the Governor and White House for his work to crack down on gang violence in San Bernardino County



DISTRICT ATTORNEY

Mike Ramos

CLEANING UP COUNTY CORRUPTION

THE SUN
San Bernardino County's Newspaper

February 11, 2010
Joe Nelson, Staff Writer

Prosecutors allege biggest corruption scandal in San Bernardino County history

Prosecutors charged two former county officials with conspiracy, bribery and extortion on Wednesday in what was described as the "biggest corruption scandal in San Bernardino County's history."

"What is significant here is the most appalling corruption case in decades, certainly in the history of San Bernardino County and maybe California itself," [attorney general] Edmund G. "Jerry" Brown said at a news conference. "Individuals corrupted public office and were able to grab more than \$100 million of the taxpayers' money through the scheme."

3326



The San Bernardino Sun has called Mike Ramos' decision to "tackle corruption in the Assessor's Office and elsewhere" ... 'courageous'

RE-ELECT DISTRICT ATTORNEY MIKE RAMOS HE'S GOT THE COURAGE TO DO WHAT'S RIGHT

EXHIBIT COVER PAGE

34
EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT
MINUTE ORDER

CASE NO: FVI900518

DATE: 06/09/10

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA
vs.
JOHN HENRY YABLONSKY

DEPT: V2 06/09/10 TIME: 2:11 pm EX PARTE HEARING: RE LETTER RECEIVED

CHARGES: 1) 187(A) PC-F

JUDGE JOHN M TOMBERLIN
Clerk: Vickie Lo Vasco
Reporter NOT REPORTED
-

PROCEEDINGS

ACTION CAME ON FOR POST DISPO HEARING
-

COURT HAS READ AND CONSIDERED LETTER SUBMITTED
BY DEFENDANT REQUESTING THAT HE BE ALLOWED
TO ATTEND COURT HEARINGS REGARDING CIVIL COMPLAINT
AGAINST THE COUNTY.
-

DEFENDANT'S Motion TO ATTEND CIVIL COURT HEARINGS is GRANTED.
DEFENDANT TO BE TRANSPORTED FOR COURT APPEARANCES
-

DEFENDANT REQUESTS AN ORDER ALLOWING HIM TO USE
THE LAW LIBRARY AT WEST VALLEY DETENTION.
-

COURT GRANTS PRO PER PRIVILEGES ACCORDING TO
JAIL POLICY.
-

Clerk's Office to notify DEFENDANT.
(AND PROVIDE DEFENDANT WITH A COPY OF THIS
MINUTE ORDER)
-

CUSTODY STATUS

Case Custody - In Custody

===== MINUTE ORDER END =====

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
Victorville District

REQUEST FOR FURTHER ACTION

Judge Tomberlin

Date 05/14/10

CASE NUMBER: FV19C0518
VIOLATION DATE: 09/20/85
CONVICTION DATE: 00/00/00 / SENTENCE DATE: 00/00/00
DEFT NAME: JOHN HENRY YABLONSKY

Plaintiff/Defendant Requests:

Please read attached correspondence
and advise of any action to be taken?

Thank You

Signed Jennifer O 38718
Deputy Clerk

COURT ORDER

Granted

Denied

Remarks

Pro per privileges per
joil policy. Transportation
for court appearances.

Date 6-9-10

Judge [Signature]

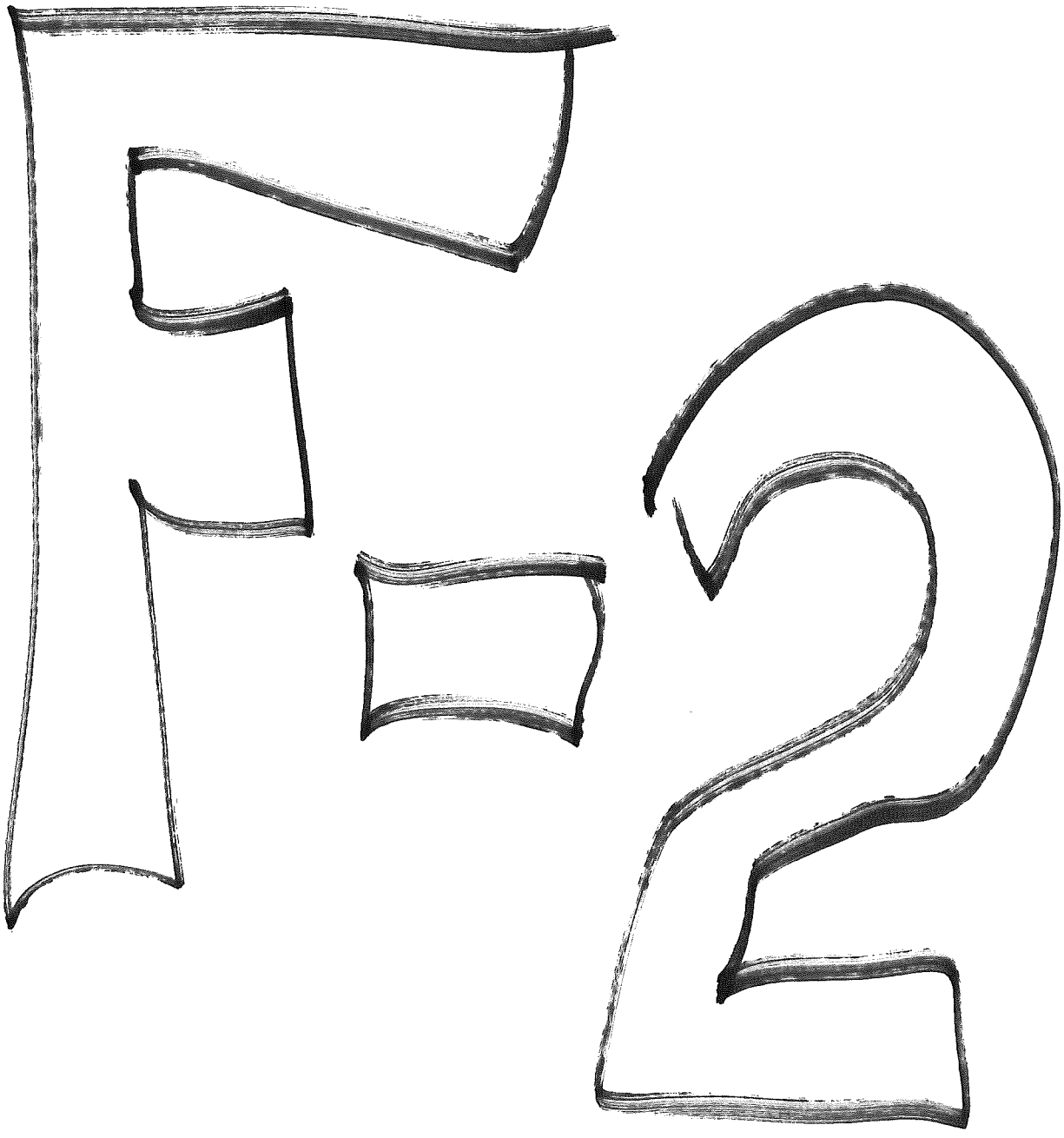
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Minute order prepared by V. LoVasco 6-9-10
clerk's office to send copy of mino to dly.

Copy sent 6-9-10 rrm

(34-1)

T2



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SUPREME COURT COPY

John Henry Yablonsky AL0373
18-147
1 480 Alta rd.
2 Sandiego,ca,92179

SUPREME COURT
LODGED EXHIBITS

JUL 18 2019

CONFIRMED COPY

3 FACTUAL INNOCENCE CLAIM
4 SECOND AND SUCCESSIVE ALL WRITS ACT

Deputy

5
6
7
8 CLERK OF THE COURT
9 SUPREME COURT FOR THE STATE
10 OF CALIFORNIA

11 In Re John Henry Yablonsky;
12 On habeas corpus;

§ No.# _____

§ Trial Court #FVI900518
§ The honorable Judge J. Tomberlin
§ SanBernardino County

§ PURSUANT TO P.C. §§ 141, 1473
§ SENATE BILLS 261, 1134, 1909

13
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18
19 HYBRID ALL WRITS ACT PETITION FOR ERROR CORAM NOBIS/HABEAS CORPUS

20
21 Book THREE of four

22
23
24
25
26 John Henry Yablonsky
27 in propria persona
28

EXHIBIT COVER PAGE

36

EXHIBIT

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Number of pages to this exhibit: _____ pages.

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- UNITES STATES SUPREME COURT
- GRAND JURY

(6)

COURT COPY

1 **MICHAEL A. RAMOS,**
 2 District Attorney,
 3 **GROVER D. MERRITT,**
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 5 Appellate Services Unit,
 6 412 West Hospitality Lane, First Floor.
 7 San Bernardino, CA 92415-0042
 Telephone: (909) 891-3329
 Fax: (909) 891-3303
 Attorneys for the People

2016 OCT -5 AM 11:43

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

OCT 05 2016

BY V. Thompson
V THOMPSON, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

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THE PEOPLE OF THE STATE OF CALIFORNIA,)	CASE NO. FVI900518
)	
Plaintiff,)	OPPOSITION OF SAN BERNARDINO COUNTY DA'S OFFICE TO DEFENDANT'S MOTION TO RECUSE SBCDAO
vs.)	
JOHN HENRY YABLONSKY,)	
)	DATE: October 8, 2010
Defendant.)	TIME: V-2
)	DEPT: 8:30 AM
)	
)	

PRELIMINARY STATEMENT

Defendant is charged with murder in the course of a rape or attempted rape (Penal Code §§ 187, 189, 190.2(a)(17)(C).) He moves to recuse the San Bernardino County District Attorney, Michael Ramos, and his office, from this case¹ because DA Ramos used this particular "cold case" in one of his political

¹ Defendant's proof of services fails to show service on the Attorney General's Office, which is a condition precedent for this motion (Penal Code § 1424(a)(1).)

OPPOSITION OF SAN BERNARDINO DA'S OFFICE TO DEFENDANT'S MOTION TO RECUSE SBCDAO

D6 T7 ✓

1 mailers² during his recent re-election campaign and defendant subsequently
2 filed a civil suit³ against DA Ramos for such use.
3

4
5 **STATEMENT OF FACTS**

6 On Monday, September 23, 1985, Darryl Kraemer and his present wife,
7 Marta Kraemer, discovered his mother Rita Cobb's corpse in her residence at
8 35435 Highway 18 in Lucerne Valley, California. Cobb's body was located in her
9 bedroom with a wire coat hanger wrapped tightly around her neck. Cobb's body
10 was positioned with her legs splayed. There appeared to be semen stains on a
11 felt pad underneath her. There was also a white pair of shorts stuffed in Cobb's
12 mouth. Cobb's clothing was located at the foot of the bed.

13 When Darryl and Marta Kraemer arrived, the garage door was open.
14 Cobb's Cadillac was inside the garage. The drapes were pulled over the front
15 windows -- which were normally left open. Additionally, the front screen door
16 and the sliding glass door to the patio area were unlocked -- but were normally
17 locked.

18 Rita Cobb was 55 years old. She lived alone in Lucerne Valley, and worked
19 at the Spring Valley Lake Country Club. She was last seen late the preceding
20 Friday night (September 20, 1985) leaving a friend's house after a small get-
21 together. She had been drinking. Cobb had Saturday, Sunday, and Monday off
22 from work. As far as Cobb's personal life, she did not have a boyfriend but
23 dated.

24 Criminalist Don Jones arrived at the Cobb residence with the homicide
25 team on September 23. He collected and photographed the physical evidence.
26 Jones collected a vaginal swab from Rita Cobb's body. Jones also collected a felt

27 ² We assume that the original of defendant's motion includes an
28 original color mailer.

³ Defendant's paperwork does not tell the court much about the civil
suit. (See *Yablonsky v. Ramos*, CIVDS-1010254.)

**OPPOSITION OF SAN BERNARDINO DA'S OFFICE TO DEFENDANT'S
MOTION TO RECUSE SBCDAO**

TB

1 pad from under Cobb's body that contained possible semen stains. Additionally,
2 Jones collected a pair of panties. Criminalist David Stockwell detected semen
3 stains on the vaginal swab and the stains found on the felt pad. However, he
4 did not detect any semen on the panties.

5 The next day, Dr. Bill Saukel (who was at the time completing his
6 fellowship in Pathology) performed an autopsy. He determined that the cause of
7 death was ligature and/or manual strangulation. Cobb's body was in a
8 moderate stage of decomposition. Cobb's hyoid bone had been fractured in two
9 places. Microscopic examination done on the pap stain of a vaginal swab done
10 on Cobb revealed a moderate number of sperm heads present.

11 Over the years, the Sheriff's Department developed numerous leads and
12 suspects. None matched the ABO type B nonsecretor the crime lab had
13 discovered. In 1998, Criminalist Don Jones did additional testing on the vaginal
14 swab and the stain on the felt pad. He performed RFLP and PCR DNA analysis.
15 Both samples containing sperm were consistent with one profile. With this
16 additional analysis, the ongoing list of suspects who had items available for DNA
17 testing were compared to the results from the vaginal swab and the stain from
18 the felt pad. *All* suspects were excluded as being the semen donors.

19 In 2003, Criminalist Monica Siewertsen did additional DNA analysis on
20 the vaginal swab taken from Rita Cobb's body in 1985. She was able to obtain a
21 complete male STR-DNA profile from the sperm fraction. This profile was
22 subsequently entered into the CODIS database to be searched among profiles
23 obtained from convicted offenders throughout the nation.

24 On October 29th 2008, the Signal Hill P.D. arrested John Yablonsky on a
25 misdemeanor warrant for disturbing the peace. He was subsequently booked
26 into a jail facility -- where a DNA buccal swab was taken because he had prior
27 multiple felony convictions for second degree burglary and receiving stolen
28

1 property. His DNA profile was subsequently placed into the CODIS database.
2 The crime lab was notified of a "hit" on the Rita Cobb case in December 2008.

3 On Sunday, March 8th 2009, Detectives Myler and Alexander went to
4 John Yablonsky's residence in Long Beach. Myler and Alexander told Yablonsky
5 that they were following up on a case and had some photographs to show
6 him. Yablonsky invited them inside, where his wife Melody and other family
7 members were present. When shown a photograph of Rita Cobb, Yablonsky was
8 visibly shaken. He told the detectives that he and his ex-wife Holly rented the
9 back house from Rita back in 1984-1985 for about nine months.
10 Yablonsky said that while they were living there, Rita was living alone in the
11 main house. He helped do maintenance work on Cobb's property. Prior to Cobb
12 being murdered, he and Holly moved to another property just down the
13 road. Yablonsky also gave the detectives a lot of background.

14 When asked about whether he knew anything about Cobb's
15 murder, Yablonsky told the detectives that he heard from his father George that
16 Rita was murdered with a nylon. Myler and Alexander asked Yablonsky if he
17 ever had sex with Rita or had any intimate relations with Cobb. He responded
18 that he had not. The detectives asked Yablonsky if he would go down to the
19 Signal Hill P.D. to finish the interview so that they could question him in a more
20 private setting. Yablonsky agreed.

21 Once at the station, the detectives reiterated to Yablonsky that he was not
22 under arrest and was free to leave at any time. Yablonsky agreed to stay for the
23 interview. Yablonsky told the detectives that he was using methamphetamine
24 while he was living in Lucerne Valley around the mid-1980's. He was living in
25 Long Beach with Holly's mother at the time Cobb was murdered and that he
26 learned of the murder from his father George while he was visiting him in
27 Lucerne Valley. Yablonsky also told the detectives that he had heard that
28 Cobb's son Daryl was convicted of her murder.

OPPOSITION OF SAN BERNARDINO DA'S OFFICE TO DEFENDANT'S
MOTION TO RECUSE SBCDAO

1 Myler and Alexander then asked Yablonsky if he had any type of intimate
2 relationship with Cobb back in 1985 such as kissing, romance, or
3 sex. Yablonsky responded that he did not. Detectives then told Yablonsky that
4 the physical evidence had convinced them that he committed the murder and
5 asked him about the DNA that was taken from him months earlier when he was
6 arrested. Yablonsky replied that he did not do it.

7 The detectives then confronted Yablonsky about two alleged prior rapes,
8 one that occurred in 1982 and the other in 1996. Yablonsky denied committing
9 the two rapes. Yablonsky then told the detectives that he didn't even think he
10 was living in Lucerne Valley when Cobb's murder happened. Shortly after that,
11 Yablonsky requested an attorney.

12 Myler and Alexander then placed Yablonsky under arrest for the murder of
13 Rita Cobb.

14
15 I.
16 DEFENDANT HAS NOT AND CANNOT MEET HIS STATUTORY BURDEN OF
17 SHOWING A "CONFLICT OF INTEREST" SUFFICIENT TO CONSTITUTE A
18 THREAT TO HIS RIGHT TO A FAIR TRIAL.

19 "The recusal of an entire prosecutorial office is a serious step, imposing a
20 substantial burden on the People, and the Legislature and the courts may
21 reasonably insist upon a showing that such a step is necessary to assure a fair
22 trial." (*People v. Hamilton* (1989) 48 Cal.3d 1142, 1156.) Moreover,
23 "[d]isqualification of an entire prosecutorial office from a case is disfavored by
24 the courts, absent a substantial reason related to the proper administration of
25 justice." (*People v. Hernandez* (1991) 235 Cal.App.3d 674, 679-680.) The
26 showing of a conflict of interest necessary to justify so drastic a remedy must be
27 especially persuasive. (*Hernandez, supra*, at p. 678; see also, *People v. Petrisca*
28 (2006) 138 Cal.App.4th 189, 195.)

In considering a motion for recusal, the court must presume the district
attorney properly and conscientiously will discharge his or her duties and has

1 performed official duty properly. (*People v. Superior Court (Martin)* (1979) 98
2 Cal.App.3d 515, 521.) In *Martin*, the appellate court pointed out that an
3 erroneous judicial recusal denying the district attorney his or her lawful power
4 is much more than "ordinary judicial error." In overturning the trial court's
5 order of recusal, the court emphasized the importance of the district attorney's
6 function:

7 "The district attorney is the public prosecutor. [¶] He
8 shall attend the courts, and conduct on behalf of the
9 people all prosecutions for public offenses." (Gov.
10 Code, § 26500.) He is the People's choice of an
11 attorney to represent them in their public affairs. (See
12 Gov. Code, § 24009.) "He acts as both a county officer
13 and a state officer in the exercise of the powers for
14 which he has been elected." [Citation.] In the
15 performance of his duties he is thus primarily
16 responsible to the electorate. "There is [ordinarily] no
17 review [of his power to prosecute] nor can a court
18 control this statutory power by mandamus."
19 [Citation.]

20 (*Martin, supra*, at p. 519; similarly see *People ex. rel. Younger v. Superior Court*
21 (1978) 86 Cal.App.3d 180, 203-204.)

22 Recusal deprives county residents of the services of their elected
23 representative in the prosecution of criminal cases. "The attorney general is, of
24 course, an elected state official, but unlike the district attorney, is not
25 accountable at the ballot box exclusively to the electorate of the county." (*People*
26 *v. Lopez* (1984) 155 Cal.App.3d 813, 822.)

27 Prosecutors are public fiduciaries. They are servants
28 of the People, obliged to pursue impartially in each
case the interests of justice and of the community as a
whole. When conflicts arise that compromise their
ability to do so, they can and should be recused. But
defendants bear the burden of demonstrating a
genuine conflict; in the absence of any such conflict, a
trial court should not interfere with the People's
prerogative to select who is to represent them.

(*Haraguchi v. Superior Court* (2008) 43 Cal.4th 701, 709, fn. omitted.)

OPPOSITION OF SAN BERNARDINO DA'S OFFICE TO DEFENDANT'S
MOTION TO RECUSE SBCDAO

1 The disqualification statute, Penal Code § 1424, does not permit recusal
2 just because the District Attorney's participation in the case would appear
3 improper or unseemly, or could reduce public confidence in the integrity and
4 impartiality of the criminal justice system. (*Hambarian v. Superior Court* (2002)
5 27 Cal.4th 826, 835; see also *People v. McPartland* (1988) 198 Cal.App.3d 569,
6 573-574; *People v. Lopez, supra*, 155 Cal.App.3d at pp. 827-828.) "[S]ection
7 1424 does not exist as a free-form vehicle through which to express judicial
8 condemnation of distasteful, or even improper, prosecutorial actions."
9 (*Hollywood v. Superior Court* (2008) 43 Cal.4th 721, 735.)

10
11 [W]e emphasize that recusal motions are not
12 disciplinary proceedings against the prosecutor. The
13 ultimate focus of the section 1424 inquiry is on
14 protection of the defendant's rights, not whether
15 recusal may be just or unjust for the prosecutor.
16 Thus, in some cases a prosecutor may have committed
17 misconduct but not be subject to recusal because the
18 misconduct does not impair the defendant's right to a
19 fair proceeding; in other cases, a prosecutor may
20 commit no misconduct but nevertheless be subject to
21 recusal because a conflict, through no fault of the
22 prosecutor's, jeopardizes the defendant's rights.

23 (*Hollywood v. Superior Court, supra*, 43 Cal.4th at p. 731.)

24 Finally, there must be "no other alternative available but to recuse the
25 entire district attorney's office." (*People v. Merritt* (1993) 19 Cal.App.4th 1573,
26 1579; see also *People v. Cannedy* (2009) 176 Cal.App.4th 1474, 1482.) Such
27 less drastic alternatives that may suffice under the circumstances include, for
28 example, "walling-off" a district attorney employee witness from the prosecution
or transferring the case to another branch office. (*People v. Cannedy, supra*, 176
Cal.App.4th at p. 1491.)

 Against this backdrop of law, this defendant presents what amounts to
three arguments for recusal of the DA and his office⁴: (I) that his case was

⁴ "DAO."

1 utilized in political mailers to all eligible jurors, (2) that he (the defendant) has
2 filed suit against the sitting DA as a result, and (3) as a consequence of filing
3 that civil suit, he has been abused at the West Valley Detention Center.⁵
4

5 The court can dispatch portions of these arguments immediately. First,
6 any effect a political mailer had on the jury venire surely has *dissipated* in the
7 four months between today's date and the primary election at which DA Ramos
8 was victorious on June 8, 2010. Second, assuming any wisp of memory of *one*
9 political mailer among the torrents of mailers voters received remains in a
10 venireman's mind, it becomes an issue for voir dire, just like any other "excess
11 publicity" issue in a murder trial.

12 Third, while defendant may *perceive* a causal connection between the
13 mailer, the civil suit, and his problems at the WVDC, he cannot *prove* one.
14 Finally, even if he could, his problems at the WVDC are, for the most part, the
15 province of the administrative wing of the Sheriff's Department for which
16 remedies may be sought from this court. They are matters over which the DA
17 and the DAO have no control.

18
19 **II.**

20 **DEFENDANT'S CASE WAS PROMINENT IN A POLITICAL MAILER IN THE**
21 **DISTRICT ATTORNEY'S RACE FOR REELECTION. HOWEVER, THAT**
22 **MAILER FELL WITHIN CASE LAW AND THE RULES OF PROFESSIONAL**
23 **CONFLICT.**

24 Mr. Yablonsky's face,⁶ name, and case adorn a political mailer the Ramos
25 campaign sent before the June 2010 primary election. In that mailer, the
26 incumbent district attorney is quoted as saying, "Twenty five years after the
27 crime, Rita Cobb's family *will have closure.*" The mailer also indicates that

28
5 "WVDC."

6 So far as we can tell from a photocopy of the mailer, the defendant's
picture is from a booking photograph.

1 defendant is "*charged with murder* in the 1985 slaying of Lucerne Valley
2 mother Rita M. Cobb - *on trial this year* by Mike Ramos' Cold Case Unit."⁷

3 Defendant tells us that

4
5 "Having used the defendant for the purposes of getting
6 elected puts the district attorney in a conflict situation.
7 He has implied that defendant has already been
8 convicted and that the victim's family 'will have
9 closure.' ... In doing so, he has, in essence, staked
10 himself to a conviction. He now has a dog in the fight
11 in more ways than he does with any other prosecution.
12 He has singled out the defendant and has not treated
13 him in an even-handed fashion."

14 (*Defendant's Motion to Recuse, p. 6.*)

15 We think not. The mailer tells the voting public that this defendant is one
16 of many *charged* with murder because of the DA's Cold Case Unit. It suggests
17 that the victim's family will finally be able to resolve the issue of their loved one's
18 murder during the coming trial. No more. There are no opinions regarding
19 defendant's guilt beyond those inherent in *any* district attorney's charging
20 decision. That is, no district attorney files an accusatory pleading without
21 believing that the accused "did it." Defendant is "singled out" for use in a
22 political mailer; that hardly translates into being "singled out" in the criminal
23 system. This is no proof that defendant has been treated "unevenhandedly"
24 within the criminal system.

25 **A. PEOPLE V. NEELY (1999) 70 CAL.APP.4TH 767 IS INSTRUCTIVE.**

26 In *People v. Neely* (1999) 70 Cal.App.4th 767, Charles Neely robbed and
27 killed an individual. His initial death penalty was reversed. (*People v. Neely*
28 (1993) 6 Cal.4th 877; *In re Neely* (1993) 6 Cal.4th 901 [counsel ineffective for
failure to object to evidence obtained in violation of *Massiah v. United States*
(1964) 377 U.S. 201].) When the case was returned for re-trial, the sitting
district attorney did not prosecute it as a "death" case. His opponent in the

⁷ Emphasis ours.

1 election made comments to the effect that the incumbent's assessment was
2 incorrect; some thought the challenger's comments implied that he would seek
3 death if elected. When he *was* elected, the case was reassessed and the death
4 penalty was sought. (*People v. Neely, supra*, 70 Cal.App.4th at p. 776.) The trial
5 court ordered the new district attorney and his entire staff recused because of a
6 potential public perception of paying off a campaign promise. (*Id.* at pp. 777-
7 779.)

8 The Attorney General appealed that decision. The effect of that appeal
9 was that the recusal order was stayed. (*Id.* at p. 779.) While the district
10 attorney's office continued to participate, the trial court "reconsidered" a prior
11 ruling and determined that the People had not been sufficiently "punished" with
12 the prior reversal of the murder conviction. The trial court barred the People
13 from seeking the death penalty. Mr. Neely subsequently was sentenced to life
14 without parole.

15 The court of appeal determined that the trial court *abused its discretion*
16 in ordering recusal of the entire District Attorney's office. The recusal order
17 should not have been made and, due to subsequent events, that is, barring the
18 death penalty, the only purpose of the recusal was obviated. Defendant could
19 not show prejudice. (*Id.* at pp. 780-781.)

20 Thus, § 1424 does not allow disqualification merely because the district
21 attorney's further participation in the prosecution would be unseemly, would
22 appear improper, or would tend to reduce public confidence in the impartiality
23 and integrity of the criminal justice system. (*Neely, supra*, at p. 778.) Put
24 another way, **a trial court must find it likely the defendant will be treated**
25 **unfairly**. Here, the evidence and findings were to the contrary. (*Id.* at p. 775.)

26 Here, of course, there is no lingering issue of the death penalty. The
27 primary election is in the distant past, politically-speaking. Whether defendant
28

TTG

1 is convicted or not cannot affect anyone's political future. Such futures are
2 hardly "staked" to its outcome. There is no "dog in the fight" larger than any
3 rooting interest the elected DA normally has in a case charged under his name
4 or during his term of office. That some might say the use of this case in a
5 political mailer is "distasteful" or "unseemly" is, *as a matter of law*, no cause
6 for recusal.

7
8 **B. THERE WAS NO "PRETRIAL EXPRESSION OF PERSONAL BELIEF
IN THE DEFENDANT'S GUILT."**

9 Defendant suggests that the mailer expresses a personal belief in his
10 guilt. This allegation, in turn, suggests the District Attorney himself **advertised**
11 **a personal belief for political advantage, and that he or she now has a**
12 **personal stake in the outcome of the trial.**

13 In *People v. Phillips* (1985) 169 Cal.App.3d 632, recusal was sought
14 because the prosecutor spoke about the case while being interviewed on a live
15 radio show. The trial court denied recusal and the Court of Appeal, Fourth
16 Appellate District, Division III, affirmed, stating that while participation in the
17 show had been "ill-advised," the transcript of the interview showed he had
18 "cautiously avoided references to the merits of [the defendant's] case and his
19 expressed concern for [the victim] was within the realm of proper prosecutorial
20 functions." (*Id.* at p. 641.)

21 As noted, the political mailer here did the same: there are no references to
22 the merits of the case, there is no proclamation of defendant's guilt, there are
23 appropriate references to the victim's family. No more. Those references are
24 "within the realm of proper prosecutorial functions."

25 Indeed, a prosecutor should generally avoid pretrial expressions of an
26 opinion as to the accused's guilt because of the particular danger of prejudice.
27
28

1 Rule of Professional Conduct 5-120 provides:
2

3 (A) A member who is participating or has participated
4 in the investigation or litigation of a matter **shall not**
5 **make an extra judicial statement** that a reasonable
6 person would expect to be disseminated by means of
7 public communication if the member knows or
8 reasonably should know that it will have a substantial
9 likelihood of materially prejudicing an adjudicative
10 proceeding in the matter.

11 (B) Notwithstanding paragraph (A), a member may
12 state:

13 (1) the claim, offense or defense involved and, except
14 when prohibited by law, the identity of the persons
15 involved;

16 (2) the information contained in a public record;

17 (3) that an investigation of the matter is in progress;

18 (4) the scheduling or result of any step in litigation;

19 (5) a request for assistance in obtaining evidence and
20 information necessary thereto;

21 (6) a warning of danger concerning the behavior of a
22 person involved, when there is reason to believe that
23 there exists the likelihood of substantial harm to an
24 individual or the public interest; and

25 (7) in a criminal case, in addition to subparagraphs (1)
26 through (6):

27 (a) the identity, residence, occupation, and family
28 status of the accused;

(b) if the accused has not been apprehended, the
information necessary to aid in apprehension of that
person;

(c) the fact, time, and place of arrest; and

(d) the identity of investigating and arresting officers or
agencies and the length of the investigation.

(C) Notwithstanding paragraph (A), a member may
make a statement that a reasonable member would
believe is required to protect a client from the
substantial undue prejudicial effect of recent publicity
not initiated by the member or the member's client. A
statement made pursuant to this paragraph shall be
limited to such information as is necessary to mitigate
the recent adverse publicity.

The mailer at issue here stays within Rule of Professional Conduct 5-120's
boundaries.

1 In *People v. Marshall* (1996) 13 Cal.4th 799, 863, the California Supreme
2 Court found no violation of ethics or law when a prosecutor informed a reporter
3 of public record facts in a death penalty case. While the facts in *Marshall*
4 preceded adoption of Rule 5-120, the court implicitly recognized the principle in
5 Rule 5-120(b) which permits an attorney to report the information in a public
6 record.

7 However, an expressed personal belief, standing alone, is not a proper
8 ground for recusal because it does not create a conflict of interest. First, as
9 stated above, if the prosecutor is "honestly convinced of the defendant's guilt" he
10 is "obliged" to be "deeply interested in urging that view by any fair means."
11 (*People v. Eubanks* (1996) 14 Cal.4th 580, 590.)

12 Again, to disqualify a prosecutor or an entire prosecutorial agency, the
13 defendant must demonstrate a conflict of interest *so severe as to render it*
14 *unlikely the defendant will receive a fair trial.* (§ 1424.) Merely because a
15 prosecutor is personally and honestly convinced of a defendant's guilt -- as, of
16 course, a prosecutor is "obliged" to be (*People v. Eubanks, supra*, 14 Cal.4th at
17 p. 590) -- and that he has expressed this conviction, does not create a recusable
18 conflict of interest. Moreover, the expression of belief in the defendant's guilt,
19 even if it could create in the abstract a conflict, surely is not one so severe as to
20 render it unlikely the defendant will receive a fair trial, because the prosecutor's
21 opinion was expressed pretrial and therefore was presumably not heard by the
22 jury.

23 Thus, by itself; a prosecutor's personal belief in a defendant's guilt,
24 whether expressed or unexpressed, does not by itself create a recusable
25 conflict of interest unless it somehow prejudices the defendant's case by coming
26 to the attention of the jury and improperly influencing the trier of fact. (See
27 *People v. Espinoza* (1992) 3 Cal.4th 806, 820 ["[C]onduct by a prosecutor that
28 does not render a criminal trial fundamentally unfair is prosecutorial

1 misconduct under state law only if it involves "the use of deceptive or
2 reprehensible methods to attempt to persuade either the court or the jury."
3

4 **C. WHILE DEFENDANT HAS SUED THE SITTING DISTRICT**
5 **ATTORNEY, HE CANNOT SHOW THE SINE QUA NON OF CONFLICT**
6 **"PERSONAL EMBROIDMENT."**

7 A prosecutor should not prosecute a defendant with whom he is
8 *personally embroiled* in civil litigation. That much is obvious. (*Greer, supra*,
9 19 Cal.3d at 261.) In *People v. Battin* (1978) 77 Cal.App.3d 635, the court of
10 appeal held that this rule applies *only* when the civil litigation is related to the
11 acts of the very case the prosecutor is called upon to prosecute. Thus, the mere
12 existence of a civil suit between prosecutor and defendant is insufficient to
13 justify recusal if the suit deals with unrelated matters.

14 In *Battin*, the pending civil suit involved *members of the district*
15 *attorney's office* who desired pay raises and the defendant, who was a county
16 supervisor. The court of appeal recognized that *Greer* had stated a prosecutor
17 should avoid trying a defendant when civil litigation is pending. The court then
18 analyzed the two cases *Greer* relied upon:

19 "In *Sinclair*, [*Sinclair v. State, supra*, 383 A.2d 468.] the
20 defendant was accused of passing bad checks. The
21 prosecutor was also the attorney for the bank upon
22 which the checks were drawn. In addition, in an
23 earlier civil suit, brought against the defendant, if he
24 persisted in filing an appeal in that suit, that the
25 district attorney would prosecute defendant for
26 passing bad checks. Under these circumstances, the
27 court found that an evidentiary hearing into the
28 conflict of interest issue was necessary. In *Ganger*,
[*Ganger v. Peyton, supra*, 379 F.2d 709.] the state
prosecuting attorney assigned to a wife beating case
also represented the wife in her divorce action that
was based on the beating incident. The defendant
claimed that the attorney offered to drop the criminal
charges against him if he would agree to a properly
settlement favoring the wife (the attorney's fee in the
divorce action depended on the amount of the wife's

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settlement). The court found that there was a conflict of interest.”

Battin, supra, 77 Cal.App.3d at p. 671. The court in *Battin* concluded:

“The facts in *Greer, Sinclair and Ganger* reveal *intense personal involvement of district attorneys* in the very cases they are called upon to prosecute. In contrast, the suit between the employees’ association and the county involved an effort to compel the board of supervisors to grant pay raises to deputy district attorneys and public defenders commensurate with the raises enjoyed by other county workers. Because of the nature of defendant’s position as supervisor, such suits were not uncommon, and the fact that this particular one occurred does not, in itself, establish a conflict of interest, as it did in *Greer, Sinclair and Ganger*.”

Battin, supra, 77 Cal.App.3d at p. 671(emphasis added).

In short, where a prosecutor is personally involved in civil litigation with a defendant, recusal is still inappropriate if the civil suit deals with matters unrelated to the facts that gave rise to the criminal charges. Here, the issues of the civil suit *involve the use of the mailer*, not the facts that gave rise to the criminal charges. There is *no* “intense personal involvement” in either the criminal case or the civil litigation. The DA will make no appearance in this criminal case; it will be tried far away from his office. Attorneys other than the DA will defend the civil litigation. The civil litigation, to the extent that defendant presents any proof of it or to what it relates, brooks of no conflict for the DA or the DAO, let alone a “recusable conflict.”

CONCLUSION

The Motion to Recuse the San Bernardino District Attorney’s Office should be denied, as defendant presents no evidence of a recusable conflict, let alone an

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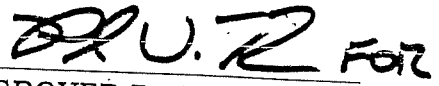
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on-going threat to his right to a fair trial based on a political mailer or his civil suit umbrage to it.

Done this October 4, 2010, at San Bernardino, California.

Respectfully submitted,

MICHAEL A. RAMOS,
District Attorney,



GROVER D. MERRITT,
Lead Deputy District Attorney,
Appellate Services Unit

1
2 SAN BERNARDINO COUNTY
3 OFFICE OF THE DISTRICT ATTORNEY
4 PROOF OF SERVICE BY ELECTRONIC MAIL (E-Mail)

5 STATE OF CALIFORNIA)
6 COUNTY OF SAN BERNARDINO) ss.

7 Grover D. Merritt says:

8 I am a citizen of the United States and am employed in and by the County
9 of San Bernardino, State of California, I am over the age of eighteen years and
10 am not a party to the within action. My business address is 412 W. Hospitality
11 Lane, San Bernardino, California 92415-0042. My e-mail address is
gmerritt@da.sbcounty.gov.

12 That on October 4, 2010, I served the attached document(s):

13 **OPPOSITION OF SAN BERNARDINO DA'S OFFICE TO DEFENDANT'S**
14 **MOTION TO RECUSE SBCDAO**


15 on interested party(ies) by transmitting a true copy by electronic mail (e-mail),
16 pursuant to California Rules of Court ("CRC"), Rule 2060. The e-mail
address(es) of the party(ies) being served is:

17 dsanders@pd.sbcounty.gov
18 Public Defender's Office

19 David Sanders, Deputy Public Defender
20 14344 Cajon Avenue, Suite 201
21 Victorville, CA 92392.

22 The document was served electronically and the transmission was
23 reported as complete and without error (CRC Rule 2060(c)(1)(D)). If possible, I
24 caused the machine to print a record of the transmission, and the "delivery
25 receipt" I received for the transmission, copies of which are attached to this
26 declaration.

27 I declare under penalty of perjury that the foregoing is true and correct,
28 and that this declaration was executed at San Bernardino, California, on
October 4, 2010.


Grover D. Merritt

PROOF OF SERVICE

37

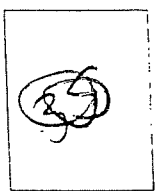


EXHIBIT COVER PAGE G&g

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~1229186~~

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court.
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT
MINUTE ORDER

CASE NO: FVI900518

DATE: 10/08/10

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA
vs.
JOHN HENRY YABLONSKY

DEPT: V2 10/08/10 TIME: 8:30 am PRE-TRIAL

CHARGES: 1) 167(A) PC-F

JOHN M TOMBERLIN, JUDGE

Clerk: Tobi Andre

Certified Court Reporter: Shawna Manning; CSR# 12827

Bailiff J Patrick

Deputy District Attorney GROVER MERRITT present.
(for motion to recuse SBCDAO)

Deputy District Attorney MICHAEL FERMIN present.
(for Pre-Trial/Motion)

Deputy Public Defender DAVID SANDERS present

Defendant present in custody.

PROCEEDINGS

Action came on for Pretrial

OFF THE record, Court and Counsel confer in Chambers

MOTIONS

DEFENSE Motion TO RECUSE DISTRICT ATTORNEY'S OFFICE is DENIED.

DEFENSE Motion TO CONTINUE is GRANTED.
(further investigation)

HEARINGS

Jury Trial set for 11/29/2010 at 9:30 in Department V2;
Estimated 0 days.

(SPECIAL SET)

Readiness Calendar set for 11/19/2010 at 8:30 in Department V3A.

Pretrial set for 11/05/2010 at 8:30 in Department V2.
(also motions)

TIME WAIVERS

Set Last Date for Trial to 11/29/2010.

Time waived for Trial; plus 60 days.

CUSTODY STATUS

Case Custody - In Custody

37-1
148

APPENDIX 33

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F-25

1P1

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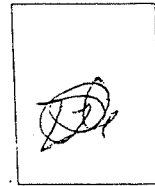


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15-29186

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- ~~State Supreme Court~~
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

1
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3 SUPERIOR COURT, STATE OF CALIFORNIA
4 IN AND FOR THE COUNTY OF SAN BERNARDINO
5

6 PEOPLE OF THE STATE OF CALIFORNIA,) THE HONORABLE JUDGE JOHN TEMBERLIN
7 Plaintiff,) CASE NO.
8 vs.) MOTION TO SHOW ORDER TO
9 JOHN HENRY YABLONSKY) GRANT SUBPOENA
10 Defendant,) POINTS AND AUTHORITIES
11) DATE: 1-10-11
12) TIME: 8:30 AM
13) PLACE: DEPT. 2

14 THIS MOTION IS TO BE HEARD BY THIS COURT THIS
15 JUDGE AND ALL APPOINTING PARTIES ON THIS 10TH DAY OF JANUARY
16 OF 2011 IN DEPARTMENT 2 AT 8:30 AM OR SOON THERE AFTER.

17 THIS MOTION PRAYS THAT HIS HONOR FIND FAVOR IN
18 GRANTING THIS MOTION TO GRANT SUBPOENAS POWER WITHIN THIS
19 STATES JUDICIAL BOUNDARIES THAT THE TWO FOLLOWING
20 INDIVIDUALS BE ORDERED TO STAND WITNESS IN THESE
21 COURTS FOR THIS SPECIFIC CASE AND SPECIFIC TRIAL.

22 ORDERS THAT LINDA MITCHELL AND HOLLY
23 MARIE MITCHELL YABLONSKY BROWN, BE ORDERED TO APPEAR
24 BEFORE THIS JUDICIAL HEARING TO ANSWER QUESTIONS
25 OF THE ACCUSED DEFENDANT WITHIN THE TRIAL
26 OF THIS CASE.

27 I.

28 THESE TWO INDIVIDUALS MADE STATEMENTS OF
INTEREST REGARDING THE DEFENDANTS PAST BEHAVIOR
THAT MAY HAVE INTERESTED THE PROSECUTOR'S AGENDA

APPENDIX 34-1

MOTION TO GRANT SUBPOENA

(38-1)

(39)

POINTS AND AUTHORITIES

II.

VII AMENDMENT OF THE UNITED STATES CONSTITUTION,
IS THE RIGHTS OF THE ACCUSED IN ALL CRIMINAL
PROSECUTIONS; TO BE CONFRONTED WITH THE WITNESSES
AGAINST HIM/HER; TO HAVE COMPULSORY PROCESS FOR
OBTAINING WITNESSES IN HIS FAVOR.

PROCESSED SEPT. 25TH, 1789 RATIFIED DECEMBER 15, 1791

CONCLUSORY OF FACTS

III.

SINCE IT IS THE RIGHT OF THE ACCUSED, AND THIS
DEFENDANT WISHES TO EXERCISE THIS RIGHT, AND THIS
COURT FIND FAVOR IN DOING SO, THAT THE ORDERS
OF SUBPOENA POWERS BE GRANTED AND THESE TWO
SPECIFIC WITNESSES BE ORDERED TO ATTEND THE
DEFENDANTS TRIAL THAT STARTS ON JANUARY 10, 2011
TO BE CONFRONTED WITH THE STATEMENTS THAT BOTH
PARTIES MADE.

RESPECTFULLY:

[Signature]
JOHN HENRY HABLONSKY
DEFENDANT

DATE 12/21/10

DATE _____

DAVE SANDERS
ATTORNEY FOR THE DEFENDANT

APPENDIX 34-2

38-2

39

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVE SANDERS 14344 CAJON AVE SUITE #201 V.V. CA. 92392		TELEPHONE NO.: 7602410413	FOR COURT USE ONLY
ATTORNEY FOR (Named):			
Insert name of court, judicial district or branch court, if any, and post office and street address: SUPERIOR COURT OF CALIFORNIA 14455 CIVIC DRIVE VICTORVILLE CA. 92392.			
Title of case: STATE OF CALIFORNIA V. JOHN HENRY YABLONSKY			
SUBPENA (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM CRIMINAL			CASE NUMBER:
THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME): LINDA MITCHELL			

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: JANUARY 10, 2011	Time: 8:30 a.m.	<input checked="" type="checkbox"/> Dept.: 2	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address: 14455 CIVIC DR. V.V. CA. 92392				

2. AND YOU ARE

- a. ordered to appear in person.
- b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
- d. ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable normal business hours. conditions during normal business hours.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: DAVE SANDERS b. Telephone number: 7602410413

4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date:	_____
		(SIGNATURE OF PERSON ISSUING SUBPENA)
		(TYPE OR PRINT NAME)
	(See reverse for proof of service)	(TITLE)

Form Adopted by Rule 982
Judicial Council of California
982(a)(16) [Rev. January 1, 1991]

SUBPENA
(CRIMINAL OR JUVENILE)

Penal Code, § 1326 et seq.
Welfare and Institutions Code, §§ 341, 664, 1727

38-3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): DAVE SANDERS 14344 CASON AVE SUITE 201 V.V. CA. 92392	TELEPHONE NO.: (760)2410413	FOR COURT USE ONLY
ATTORNEY FOR (Named):	Insert name of court, judicial district or branch court, if any, and post office and street address: SUPERIOR COURT OF CALIFORNIA 14455 CIVIC DRIVE VICTORVILLE CA, 92392	
Title of case: THE STATE OF CALIFORNIA V. JOHN HENRY YABLONSKY	CASE NUMBER:	
<input checked="" type="checkbox"/> SUBPENA (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM CRIMINAL		

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (NAME): HOLLY MARIE MITCHELL YABLONSKY BROWN

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: JANUARY 10, 2011	Time: 8:30am	<input checked="" type="checkbox"/> Dept.: 2	<input type="checkbox"/> Div.:	<input type="checkbox"/> Room:
b. Address: 14455 CIVIC DR V.V. CA, 92392				

2. AND YOU ARE
- a. ordered to appear in person.
 - b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
 - c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.
 - d. ordered to make the original business records described in the accompanying affidavit available for inspection at your business address by the attorney's representative and to permit copying at your business address under reasonable normal business hours, conditions during normal business hours.
3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name: DAVE SANDERS
 - b. Telephone number: 760 2410413
4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: _____	_____ (SIGNATURE OF PERSON ISSUING SUBPENA)
		_____ (TYPE OR PRINT NAME)
		_____ (TITLE)

(See reverse for proof of service)

39

38-4

EXHIBIT COVER PAGE G.S.g.

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39

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

15-29186

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- ~~State Supreme Court~~
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

County of San Bernardino

- REQUEST FOR FURTHER ACTION
- FOR YOUR INFORMATION

Judge TOMBERLIN

Date 12/14/10

Name JOHN YABLONSKY

Case No. FVI900518

DEFENDANT/PLANTIFF REQUESTS:

LETTER RECEIVED FROM DEFENDANT. PLEASE SEE ATTACHED AND ADVISE.

Signed SONYA CRAIG/38943

Deputy Clerk

COURT ORDER

Granted _____

Denied _____

Remarks _____

Date 12-16-10

[Signature]
Judge

16-10915-360 Rev. 1/93 (ALL)

[Handwritten notes: 39-1, L2, R1, K2, (52)]

JOHN YABLONSKY
9500 ETIWANDA
P.O., CA. 91789

RECEIVED
DEC 10 2010
VICTORVILLE DISTRICT

SUPERIOR COURT OF CALIFORNIA

SAN BERNARDINO DISTRICT

CRIMINAL DIVISION

STATE OF CALIFORNIA,

Plaintiff,

vs.

JOHN HENRY YABLONSKY,

Defendant

) Case No.: No. FV190051F
)
) PLEA FOR TEMPORARY INJUNCTIVE
) RELIEF, GRANT AN ORDER FOR A LEGAL
) RUNNER, GRANT AN ORDER FOR THE
) RELEASE OF OFFICIAL VISIT
) RESTRICTIONS

YOUR HONOR THE FOLLOWING PAGES ARE AN EFFORT TO SEEK INJUNCTIVE RELIEF FROM THIS FACILITY'S RESTRICTIONS THAT BURDEN AND HINDER MY LEGAL INTERESTS.

1. THE PRIVILEGE/RIGHT OF ACCESS TO OFFICIAL VISITS
2. THE REFUSAL TO HONOR YOUR COURT ORDER TO TRANSPORT ME TO MY CIVIL COURT DATES. (4 COURT APPEARANCES WITH THE RAMOS MATTER)
3. THE CONSTANT OPENING OF MY LEGAL MAIL OUT OF MY PRESENCE
4. TAKING DOCUMENTS OUT OF MY OUTBOUND MAIL OF LEGAL VALUES WITHOUT MY CONSENT, AND THEN DENYING THAT THE INCIDENTS OCCURRED.
5. NOT ALLOWING ME ACCESS TO THE TELEPHONES AT RESPECTABLE HOURS. (THEY HOUSE ME IN A UNIT THAT STARTS THE DAYROOMS AT 7 A.M. AND IN 1 1/2 HOUR INTERVALS THAT ONLY ALLOW ME ACCESS TO THE PHONES EVERY THREE AND FOURTH DAY, BUT SEEMS TO ALWAYS BE BEFORE NOON AND THEN THIS IS

RELIEF OF RESTRICTIONS - 1

APPENDIX 30

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

PEOPLE OF THE STATE OF
CALIFORNIA,
Plaintiff,

v
JOHN HENRY YABLONSKY,
Defendant.

Case No.: CIVRS1009885

POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO
SAFEGUARD THE
DEFENDANT'S RIGHT OF
ACCESS TO COUNSEL

Defendant submits the following points and authorities in support of the motion for an order directing the Sheriff of SAN BERNARDINO County to remove the restrictions on the defendant's ability to communicate with counsel by telephone and mail:

I

THE CONSTITUTIONAL RIGHT TO COUNSEL INCLUDES THE RIGHT TO
COMMUNICATE BY TELEPHONE

The right of access to counsel is an essential component of the right of access to the courts. (Bounds v. Smith, 430 U.S. 817, 97 S. Ct. 1491, 52 L. Ed. 2d 72 (1977)). In Procnier v. Martinez, 416 U.S. 396, 419, 94 S. Ct. 1800, 40 L. Ed. 2d 224 (1974) (overruled by, Thornburgh v. Abbott, 490 U.S. 401, 109 S. Ct. 1874, 104 L. Ed. 2d 459 (1989)) the United States Supreme Court declared that this right of access requires that inmates be given a "reasonable opportunity to seek and receive the assistance of attorneys," and "[r]egulations and practices that unjustifiably obstruct the availability of professional representation or other aspects of the right of access to the courts are invalid." This right is possessed not only by convicted prisoners, but by pretrial detainees who are jailed pending trial. (U.S. ex rel. George v. Lane, 718 F.2d 226, 230 (7th Cir. 1983); Lock v. Jenkins, 641 F.2d 488, 489 (7th Cir. 1981).

Starting, "from the premise that telephone communication is essential for inmate contact with attorneys," the Court of Appeal upheld a trial court order that the local jail must provide

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inmates a cost-free telephone line to the County Public Defender office. The court reasoned that the use of a collect-calls only system "unreasonably restricts communications between inmates at the jail and their attorneys." (In re Grimes, 208 Cal. App. 3d 1175, 256 Cal. Rptr. 690 (1st Dist. 1989)).

II

THE CONSTITUTIONAL RIGHT TO COUNSEL INCLUDES THE RIGHT TO COMMUNICATE BY MAIL

An incarcerated defendant has an absolute constitutional right to correspond confidentially with any attorney. Pen C §2601(b) guarantees inmates the right "to correspond, confidentially, with any member of the State Bar or holder of public office, provided that the prison authorities may open and inspect incoming mail to search for contraband." Although an institution may check for contraband, it may not under any circumstances read the correspondence (In re Jordan, 7 Cal. 3d 930, 103 Cal. Rptr. 849, 500 P.2d 873 (1972)). This right is also guaranteed by the federal Constitution (Wolff v. McDonnell, 418 U.S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974)).

III

THE TRIAL COURT HAS JURISDICTION TO REMEDY CUSTODIAL CONDITIONS WHICH RESULT IN VIOLATIONS OF CONSTITUTIONAL RIGHTS

The courts have consistently held that the parameters of judicial intervention into conditions for pretrial detainees are less restrictive than those relating to sentenced prisoners. (See Mitchell v. Dupnik, 75 F.3d 517, 523-524 (9th Cir. 1996)). It is clear that jail regulations restricting pretrial detainees' contact with their attorneys are unconstitutional where they "unjustifiably obstruct the availability of professional representation." (Benjamin v. Fraser, 264 F.3d 175, 178 (2d Cir. 2001)).

The Court of Appeal in In re Grimes, 208 Cal. App. 3d 1175, 256 Cal. Rptr. 690 (1st Dist. 1989), acknowledged that "[c]ourts are properly reluctant to interfere with prison administration, given the manifold factual difficulties inherent in that task. (citation) The function of a court is limited to determining whether a constitutional violation has occurred, and to fashioning a remedy that does no more and no less than correct that particular constitutional violation (citation). But the deference to which prison administrators are ordinarily entitled has never been construed as requiring judicial abstention. (citation) [P]rison administrators are in the best position to control inmates but this control cannot violate statutory or constitutional right (citation) Thus, the courts' traditional deference to administrative expertise in prison matters does not foreclose judicial intervention to remedy statutory or constitutional violations."

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IV

STATUTORY REGULATIONS MUST BE INTERPRETED TO FOSTER THE EXERCISE OF CONSTITUTIONAL RIGHTS

In 1994 the state legislature amended Pen C §§ 2600 and 2601 to reduce prisoner's rights. The new amended law allows an inmate to be deprived of "only such rights, as is reasonably related to legitimate penological interests." (Pen C §2600). Although on its face, Pen C §2600 applies only to those confined in state prisons, the California Supreme Court declared that equal protection principles required its application to county jail inmates (*De Lancie v. Superior Court*, 31 Cal. 3d 865, 872, 183 Cal. Rptr. 866, 647 P.2d 142 (1982)). In response to these changes, the legislature directed the Department of Corrections to develop guidelines for "local detention facilities." (Pen C §6030). These regulations, codified in Title 15 of the California Code of Regulations, mandates that the administrator of each local detention facility develop written policies concerning the rights and privileges of inmates, as long as these policies do not conflict with the Regulations (15 CCR §1005).

Under these regulations, an inmate is entitled to "confidential consultation with attorneys" (15 CCR §1068) and to "correspond confidentially" with any attorney (15 CCR §1063(c)). Jail authorities "may open and inspect such mail only to search for contraband...in the presence of the inmate" (15 CCR §1063(c)). An in-custody defendant must be allowed "reasonable access to a telephone" (15 CCR §1067).

However these regulations must be implemented so as not to invalidate a constitutional right. The standards set forth in Title 15 "constitute contemporary notions of decency and are advisory in nature," but the courts do not rely blindly on these standards as fixing constitutional minima. (*Inmates of the Riverside County Jail v. Clark*, 144 Cal. App. 3d 850, 860, 192 Cal. Rptr. 823 (4th Dist. 1983)).

V

THE TEST TO DETERMINE THE REASONABLENESS OF JAIL REGULATIONS

The California Supreme Court has held that the amendment to Pen C §2600 has resulted in a different test the courts must apply to determine the reasonableness of jail regulations (*Thompson v. Department of Corrections*, 25 Cal. 4th 117, 130, 105 Cal. Rptr. 2d 46, 18 P.3d 1198 (2001)). This test, as enunciated in *Turner v. Safley*, 482 U.S. 78, 107 S. Ct. 2254, 96 L. Ed. 2d 64 (1987), directs that the following factors be considered in determining whether a prison restriction is reasonable: (1) whether there is a " 'valid, rational connection' between the prison [restriction] and the legitimate governmental interest put forward to justify it"; (2) whether there are alternative means of exercising the right; (3) how the accommodation of the asserted right will impact guards, other inmates and the allocation of prison resources; and (4) whether the restriction is an "exaggerated response" to prison concerns. *Turner v. Safley*, 482 U.S. 78, 89-91, 107 S. Ct. 2254, 2261-2263, 96 L. Ed. 2d 64 (1987)

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The Turner test was applied to regulations for sentenced prisoners, not pretrial detainees and the issue before the Court was not the constitutional right to the effective assistance of counsel. It would appear that the proper standard applicable to a pretrial detainee is whether the restrictions "unjustifiably obstruct the availability of professional representation or other aspects of the right of access to the courts." (Benjamin v. Fraser, 264 F.3d 175, 178 (2d Cir. 2001)).

We doubt that [the reasonably related to legitimate penological interests] standard properly applies to this case. Turner [v. Lewis] involved convicted prisoners rather than pretrial detainees, and the standard it promulgated depends on 'penological interests.' Penological interests are interests that relate to the treatment (including punishment, deterrence, rehabilitation, etc.) of persons convicted of crimes. Although some of the concerns of pretrial detention, especially protection against further criminal conduct, overlap with the concerns of penology, there are important differences. Penological interests are therefore arguably not an appropriate guide for the pretrial detention of accused persons.

However, assuming that the Turner test applies, the restrictions placed upon the defendant's access to counsel must still be held to be unreasonable and unrelated to any legitimate penological interest.

[Relate the facts of the case to the factors in the Turner test]

YOUR HONOR, THE ACCESS TO OFFICIAL VISITS DOES NOT HINDER THE SHERIFFS DEPARTMENT AND IS AN INALIENABLE NECESSITY TO THE DUE PROCESS OF ACCUSED INMATES AND IT CAUSES NO BREACH IN FACILITY TRANQUILITY.


VI

DISCIPLINARY PUNISHMENT CANNOT DEPRIVE AN INMATE OF ACCESS TO COUNSEL

The act of disciplining an inmate for the violation of jail rules cannot result in the denial of access to counsel. If an inmate's visitation privileges have been suspended or even if an inmate is on disciplinary isolation status in an isolation cell, "[i]n no case shall access to courts and legal counsel be suspended as a disciplinary measure." (15 CCR §1083(i)).

PLEASE YOUR HONOR THIS HAS BECOME A FIASCO OF ABRIDGING YOUR ORDERS, THE CONSTITUTION, AND MY RIGHTS. THIS FACILITY DOES WHAT IT WANTS, REGARDLESS OF THE NEEDS OF THE INMATES. I'VE WRITTEN THE COMMANDER ABOUT THE APPOINTMENT OF A LEGAL RUNNER, AT NO COST TO THE COUNTY, 2 1/2 MONTHS AGO. NO RESPONSE, ONLY RETALIATORY BEHAVIORS

(396)
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§ 15:3 Appointment of expert — Points and authorities

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

JOHN YABLONSKY, }
Plaintiff, }
V. }
WEST VALLEY DETENTION }
FACILITY, SAN BERNARDINO }
COUNTY SHERIFFS }
DEPARTMENT, }
DEFENDANT, }

Case No.: CIVRS1009885
POINTS AND AUTHORITIES
IN SUPPORT OF MOTION
FOR APPOINTMENT
OF LEGAL RUNNER

KIETH D. DAVIS
DEPT; R6
FILED; 9-20-10
TRIAL DATE; UNASSIGNED

Defendant submits the following points and authorities in support of the motion for an order appointing an expert: IF IT PLEASES THE COURTS THAT THIS MOTION BE CONSIDERED TO GRANT A COURT ORDER TO THE PLAINTIFF THAT WILL ALLOW AN ASSIGNED LEGAL RUNNER TO ASSIST MR. YABLONSKY WITH HIS TRANSPORTATION OF LEGAL DOCUMENTS FOR PHOTO COPYING AND FILING.

THE COMMANDER OF THE FACILITY HAS INTERRUPTED THE PASSAGE OF ANY AND ALL OFFICIAL VISITERS FOR MR. YABLONSKY THAT HAS INTERVIENED THE SAFE PASSAGE OF CRUCIAL DOCUMENTS THAT PERTAINNE TO A CIVIL SUIT IN ANOTHER COURT WITHIN THIS COUNTY. THIS INTERUPTION WAS NOT A MATTER OF DISCIPLINE OR PERTINANT TO THE SAFETY OF THE FACILITIES TRANQUILITY; IT HAS NO OTHER PURPOSE THAN TO INTERFERE WITH MR. YABLONSKY'S INTERESTS WITH HIS EFFORTS TO LEGAL RESOLVE.

IT IS THEREFORE THAT THIS REQUEST FOR A JUDICIAL COURT ORDER BE ORDERED FOR MR. YABLONSKY THAT THIS SHERIFFS DEPARTMENT IN San Bernardino COUNTY BE ORDERED TO ALLOW;

GEOFFERY MICHAEL BEVERIDGE
C.D.L. # C4632672
D.O.B. JULY 31ST 1968

CELL
(562) 577-825

AS THE OFFICIAL LEGAL RUNNER FOR JOHN YABLONSKY THAT PERTAINS TO THIS SPECIFIC CASE THAT IS TO BE HEARD IN YOUR COURTS. THIS SERVICE WILL BE OF NO CHARGE TO THE FACILITY OR THE COUNTY IN ANY WAY.

THERE HAD BEEN SEVERAL REQUESTS TO THE COMMANDER WITH REGARDS TO THIS SPECIFIC NEED AND THAT THIS FACILITY HAD TAKEN IT UPON THEM SELVES TO DENY "ANY "PASSAGE BY ANY OFFICIAL VISITORS FOR MR. YABLONSKY.

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I THE RIGHT TO COUNSEL GUARANTEED BY BOTH THE FEDERAL AND STATE CONSTITUTIONS REQUIRES THE APPOINTMENT OF NECESSARY EXPERTS TO ASSIST IN THE PREPARATION OF A DEFENSE

It cannot be doubted that the right to counsel guaranteed by both the federal and state Constitutions includes, and indeed presumes, the right to effective counsel, and "the right to effective counsel also includes the right to ancillary services necessary in the preparation of a defense." (Keenan v. Superior Court, 31 Cal. 3d 424, 428, 180 Cal. Rptr. 489, 640 P.2d 108 (1982)). "A fundamental part of the constitutional right of an accused to be represented by counsel is that his attorney. . . is obviously entitled to the aid of such expert assistance as he may need. . . in preparing the defense." (In re Ketchel, 68 Cal. 2d 397, 399-400, 66 Cal. Rptr. 881, 438 P.2d 625 (1968)).

"[T]here can be no question that in a proper factual situation a court must appoint an expert that is needed to assist an indigent defendant in his defense." (Torres v. Municipal Court, 50 Cal. App. 3d 778, 785, 123 Cal. Rptr. 553 (2d Dist. 1975)).

II THE RIGHT TO SUCH COURT-ORDERED SERVICES IS SUPPORTED BY STATUTE

Ev C §730 explicitly provides for court-appointed expert witnesses:

When it appears to the court, at any time before or during the trial of an action, that expert evidence is or may be required by the court or by any party to the action, the court on its own motion or on motion of any party may appoint one or more experts to investigate, to render a report as may be ordered by the court, and to testify as an expert at the trial of the action relative to the fact or matter as to which such expert evidence is or may be required. The court may fix the compensation for such services, if any, rendered by any person appointed under this section, in addition to any services as a witness, at such amount as seems reasonable to the court.

Ev C §731(a) and Gov C §29603 clearly state that the county must pay those court-ordered expenses.

While these statutes, of course, do not enumerate the type of experts to be appointed, the Supreme Court has held that "the right to such services is to be inferred from at least two statutes respecting an indigent defendant's right to legal assistance." (Corenevsky v. Superior Court, 36 Cal. 3d 307, 319, 204 Cal. Rptr. 165, 682 P.2d 360 (1984)).

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III THE RIGHT TO COUNSEL INCLUDES THE RIGHT TO HAVE ANY COMMUNICATION MADE TO EXPERTS REMAIN CONFIDENTIAL

The Court of Appeal has held that the right to counsel guaranteed by the Sixth Amendment to the United States Constitution "also includes the right to have any communications made to experts remain confidential." (Torres v. Municipal Court, 50 Cal. App. 3d 778, 784, 123 Cal. Rptr. 553 (2d Dist. 1975)).

IV A DEFENSE MOTION FOR THE APPOINTMENT OF AN EXPERT MAY BE HEARD IN CAMERA

The Supreme Court has observed that a defense motion for the appointment of an expert "was entitled to have been heard *in camera*, and would therefore not normally be subject to disclosure. . . ." (Corenevsky v. Superior Court, 36 Cal. 3d 307, 321, 204 Cal. Rptr. 165, 682 P.2d 360 (1984)).

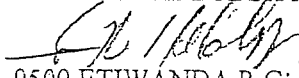
V THE ISSUE TO BE ADDRESSED BY THE EXPERT IS LIKELY TO BE A SIGNIFICANT FACTOR AT TRIAL

While it is understood that the defendant has the burden of establishing the need for expert assistance, that burden is met when a "preliminary showing" is made that the issue requiring expert assistance is "likely to be a significant factor at trial." (Ake v. Oklahoma, 470 U.S. 68, 74, 105 S. Ct. 1087, 84 L. Ed. 2d 53 (1985))

Because of the early stage at which this request typically arises, it will often be difficult for counsel to demonstrate a clear need for funds (Corenevsky v. Superior Court, 36 Cal. 3d 307, 320, 204 Cal. Rptr. 165, 682 P.2d 360 (1984)). Therefore, the trial court should, in appropriate circumstances, "view with considerable liberality a motion for such pretrial assistance" (Keenan v. Superior Court, 31 Cal. 3d 424, 430, 180 Cal. Rptr. 489, 640 P.2d 108 (1982)).

A right to ancillary defense services arises once the defendant has demonstrated a need for such services by reference to "the general lines of inquiry he wishes to pursue, being as specific as possible." (People v. Fixel, 91 Cal. App. 3d 327, 330, 154 Cal. Rptr. 132 (2d Dist. 1979)).

JOHN H. YABLONSKY



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v
JOHN YABLONSKY,
Defendant.

Case No.: CIVRS1009885

NOTICE OF MOTION TO
SAFEGUARD DEFENDANT'S
RIGHT OF ACCESS TO
COUNSEL

Date: JAN. 6TH, 2010
Place: R6

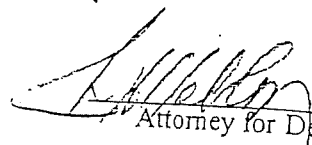
TO THE DISTRICT ATTORNEY OF SAN BERNARDINO COUNTY AND/OR
HIS/HER REPRESENTATIVE:

PLEASE TAKE NOTICE that on JAN. 6TH 2010, at the hour of 8:30 A.M. or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move the court for an order directing the Sheriff of SAN BERNARDINO County to remove the restrictions on the defendant's right to communicate confidentially with, and have access to, his counsel.

This motion will be made on the grounds that unless such private communications are guaranteed, the defendant will be deprived of the right to counsel under Article I, §15 of the California Constitution and the Sixth and Fourteenth Amendments to the United States Constitution.

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral documentary evidence as may be presented at the hearing of the motion.

Dated: 12/8/10


Attorney for Defendant

K12

THIS ORDER ISNT BEING HEARD IN THE RANCH'S CIVIL AREAS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

PEOPLE OF THE STATE OF CALIFORNIA, }
Plaintiff, }
v }
JOHN HENRY YABLONSKY }
Defendant. }

Case No.: CIVRS1009885

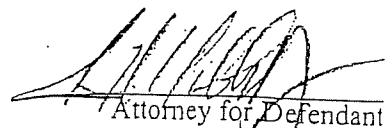
DECLARATION IN SUPPORT
OF MOTION
TO SAFEGUARD
DEFENDANT'S RIGHT
OF ACCESS TO COUNSEL

I, JOHN HENRY YABLONSKY, declare:

1. I am the attorney representing the defendant in this action.
2. The defendant is currently confined in the *SANBERNARDINO COUNTY JAIL*.
3. The custodial officials have restricted the defendant's ability to communicate with counsel in the following manner: [state the facts which constitute the restrictions placed on the defendant's ability to communicate with counsel by mail or telephone].
DENY OFFICIAL VISITS, INTERFERE WITH LEGAL MAIL PROCESSES, EXTREME LIMITED ACCESS TO PHONES
4. I have attempted to resolve this matter with the appropriate custodial officials, but I have been informed that these procedures are the policy of the institution.
5. The failure of the custodial officials to remedy this matter has resulted in the inability of the defendant to effectively assist counsel in the preparation of a defense to the charges in this case and the inability of counsel to render effective assistance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30TH OF NOVEMBER, 2010, at SANBERNARDINO, California.


Attorney for Defendant

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EXHIBIT COVER PAGE G.S.g.



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DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~1579486~~

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

TO BE VERBATIM (ACCURATE)
TO EXHIBIT 49 CD DISC OF INTERROVIEW

THIS IS
IN STATES EXHIBIT
49A

113 PG
100 SCR

103

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49A

EXHIBIT # _____
CASE #: FV190C518
CASE NAME: PEOPLE-V-YABLONSKY, JOHN
DATE: 1-27-11
CASE NUMBER: 127-11

(21)

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(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

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Reviewed by Det. Rob Alexander

Page 1 of 113

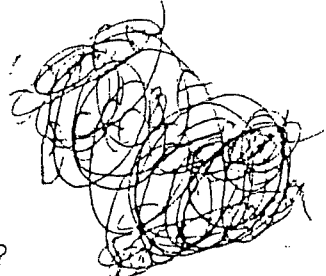
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November 23, 2010

CREATED

SAME DATE B.1

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COMMIT

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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Interviewer: Det. Greg Myler

Interviewer: Det. Rob Alexander

Interviewee: John Yablonsky

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

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

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

(door closing)

Radio Response Transmission RA: Yes.

GM: Hey, how you doing?

RA: Hi.

(door closing)

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

GM: I'm Greg. (overlapping conversation)

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

JY: Yeah, absolutely.

RA: Ok, great.

JY: And your name is?

RA: Rob and Greg.

JY: Need to get my dog out of there.

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

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

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1965-100

(v) Rita Cobb

ALTERED HANDWRITERS

1 had sex? Never got in any fights with her? She was a nice lady? You're nodding
 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?

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 [um, /ft] SEE
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 CD 1

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ALTERED FROM
 [Signature]
 (23)

INTERVIEW WITH JOHN YABLONSKY

DP #1684688-07 / H #1985-100

(v) Rita Cobb

ALTERED FROM
[YES SHE DID] AUDIOTUSUALLY
TO [NO] SEC CD DISC
EXHIBIT 4757

ALTERED ANSWERS

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: Ck.

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 13, does that take you to Big Bear?

1177

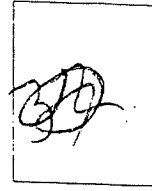
49A

40-5
500

B4

105
23

EXHIBIT COVER PAGE G.S.g



41

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~155-29786~~

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

1 tomorrow morning at 9:00. Ladies and gentlemen,
2 you're admonished that it is your duty not to converse
3 among yourselves or with anyone else about any matter
4 connected with this case nor form or express an
5 opinion on it until it's submitted to you.

6 (Whereupon the following proceedings were
7 held outside the presence of the jury:)

8 THE COURT: All right. The jurors are gone.
9 Mr. Thomas, are you going to have enough people to
10 fill up the day tomorrow?

11 MR. THOMAS: Depending how long they go.
12 Just so the Court knows, this can be off the record as
13 far as scheduling.

14 THE COURT: I want to make sure that you
15 have extra people here. I don't mind if we don't get
16 to someone.

17 MR. THOMAS: That's what I was going to
18 explain to you. As far as tomorrow, I have
19 John Sullivan coming in. I have Marshall Franey, who
20 was the deputy coroner. Dr. Bill Saukel and
21 Bruce Nash. Those are going to be the four witnesses
22 I have.

23 Then my last witness, which will have to be on
24 Thursday is Detective Alexander. The reason it has to
25 be on Thursday is I need to wait for Mr. Sanders to take
26 out any redactions that he has in the recording because
27 that's what I was going to play on Thursday, and at that
28 point the People would rest. So we're well ahead of

ALTERED
TRANSCRIPTS

EXHIBIT D

ALTERED
TRANSCRIPTS 403

1 schedule.

2 THE COURT: Can those redactions -- I am not
3 sure why the redactions cannot be done before
4 Thursday.

5 MR. THOMAS: Because Mr. Sanders has to look
6 at them. Then I need to make the redactions.

7 MR. SANDERS: I can do those tonight.

8 MR. THOMAS: Then I can get it done tomorrow.
9 I'll do that when I get home tomorrow night.

10 THE COURT: You don't have a secretary to do
11 that?

12 MR. THOMAS: No. I have to do it because I
13 have to ensure that everything's taken out that needs
14 to be taken out. I don't want to leave that up to
15 somebody else.

16 THE COURT: All right. Do you have jury
17 instructions?

18 MR. THOMAS: I'll have those for you by
19 Thursday.

20 THE COURT: Do you know how I like them?

21 MR. THOMAS: I have no idea. Last time I did
22 a trial in here --

23 THE COURT: How about Wednesday? Don't you
24 have the instructions ready? Here's what I want you
25 to do. If you can't do it by tomorrow, that's
26 understandable. I'd like to start working on them
27 myself. What I'd like you to do is give me -- you
28 know that piece of paper that you have, the checklist?

41-2

1 THE COURT: Make a copy for him. Anything
2 else?

3 MR. SANDERS: Thank you, your Honor. I had
4 indicated to the prosecutor the parts of the statement
5 that I felt should be redacted.

6 THE COURT: Let's talk about a little
7 information before we make assumptions.

8 MR. SANDERS: I believe we agree --

9 THE COURT: Statement that's going to be
10 offered by the prosecution, and it's a statement
11 alleged to be a statement by your client; is that
12 correct?

13 MR. SANDERS: Yes, your Honor.

14 THE COURT: All right. You are not going to
15 object to entry of the statements, but you believe
16 there should be some things that were stated by your
17 client that should be removed from the statement; is
18 that correct?

19 MR. SANDERS: Mostly statements by the police
20 officers but some statements by my client.

21 THE COURT: Mr. Thomas has not disagreed with
22 you and attempted to provide you with specifics of how
23 he intends to redact the statement of your client, so
24 that it is not objectionable to you; is that correct?

25 MR. SANDERS: That's correct.

26 THE COURT: Mr. Thomas, you've seen that, and
27 do you have any reason to disagree with the --

28 MR. THOMAS: No, as far as --

*NEVER
AGREE TO
ANY
STATEMENT
I WAS
INTERPRETED*

(41-3)

1 THE COURT: -- statements that Mr. Sanders --

2 MR. THOMAS: As far as Mr. Sanders has
3 provided, I don't have any problem with redacting the
4 stuff. The only question I did have for Mr. Sanders
5 is there's reference at the end of the interview where
6 Mr. Yablonsky's invoking. I was planning on taking
7 that out unless you wanted to keep it in.

8 MR. SANDERS: I did this very late last
9 night, and I did forget when he invoked Miranda to
10 take that out.

11 THE COURT: Other than that, sounds like
12 we're in accord on what should be done. No
13 disagreement between the two of you?

14 MR. SANDERS: I believe so.

15 THE COURT: All right. That can't be done
16 until tomorrow.

17 MR. THOMAS: I wouldn't be able to do it
18 until tonight. I'm going to start this afternoon once
19 we're done.

20 THE COURT: How much is it?

21 MR. SANDERS: It's about a three-hour
22 interview. I'm requesting redaction of ten minutes
23 but in different parts of the interview.

24 MR. THOMAS: So I got to go through
25 everything and find out where I got to cut the
26 interview out and make sure it sounds good.

27 THE COURT: Can't be done between 11:05 and
28 noon?

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MR. THOMAS: No. I'll be up late tonight
doing it.

THE COURT: Have a nice lunch. Thank you.
(Whereupon the lunch recess was taken.)

1 had had this before I let the jury go. I may very well
2 allow either one of you to reopen to discuss this. I
3 don't want the jury to be confused on something that is
4 of no moment and should not enter into their
5 consideration. I don't know how we're going to do it.

6 MR. THOMAS: I think we can draw up a
7 stipulation that he was read his Miranda rights, and
8 everything was done properly.

9 THE COURT: Maybe you guys can do whatever
10 you want to do. I don't know the answer to what
11 you're going to want to do. I need to have you here
12 at 8:30 in the morning on Monday so we can get these
13 things straight.

14 In the meanwhile, we're going to take a
15 15-minute recess.

16 MR. THOMAS: Okay.

17 (Whereupon a recess was taken.)

18 THE COURT: Back on the record in the case of
19 People of the State of California versus John Henry
20 Yablonsky who is here with Mr. Sanders, his attorney.
21 Mr. Thomas is here along with Detective Alexander.

22 Did you get a chance to review the exhibits?

23 MR. THOMAS: Yes, we did.

24 MR. SANDERS: Yes, sir.

25 THE COURT: Mr. Thomas, what are the -- there
26 is the list right here.

27 THE CLERK: Yes.

28 THE COURT: Looks like we have 1 through 49A.

41-5

1 MR. THOMAS: And Mr. Sanders and I spoke. I
2 think we've agreed to all the exhibits would go into
3 evidence except for Exhibits 30, 31, 32, 38, and 40.

4 THE COURT: By stipulation?

5 MR. SANDERS: Yes, your Honor, we agree that
6 all of them will go into evidence except the ones that
7 the district attorney mentioned.

8 THE COURT: So stipulate, Mr. Thomas?

9 MR. THOMAS: Yes, your Honor.

10 (Whereupon Exhibits 1 through 29, 33 through 37 and 39
11 through 49A were admitted into evidence.)

12 MR. THOMAS: As far as the transcript is
13 concerned, both of us don't have a problem with the
14 jury getting it as an aid to Exhibit 49 itself.

15 THE COURT: Okay.

16 MR. SANDERS: That's correct.

17 THE COURT: Fine. Did anybody want to do
18 something like write a stipulation regarding the
19 Miranda issue?

20 MR. SANDERS: I like the Court's suggestion,
21 and I thought the words you used were even appropriate
22 words.

23 THE COURT: Since I never listen to myself, I
24 have no idea what I said.

25 MR. SANDERS: Something to the effect of,
26 I'll instruct the jury that they are to disregard that
27 issue.

28 THE COURT: You want me to do it informally

1 or do you want something we write up?

2 MR. SANDERS: If you prefer, I'll write
3 something up, but I think it's fine if you do it
4 informally.

5 MR. THOMAS: In the past, I used to do the
6 drug cases, and an issue that would come up would be
7 whether or not the defendant's vehicle or a person or
8 house was searched in accordance to law. The special
9 instruction that would be given usually in that case
10 would be something to the effect that, it's -- this is
11 a matter for the Court to decide, and the Court has
12 decided that it was a lawful search.

13 THE COURT: Yeah, but that's not really what
14 I'm asking you. I'm asking you whether you want to
15 write something up or for me to informally advise
16 them.

17 MR. THOMAS: I'm fine with the Court
18 informally advising them.

19 MR. SANDERS: As am I.

20 THE COURT: Somebody remind me on Monday,
21 somebody wearing glasses seated to my left. You can
22 show me that note again on Monday.

23 All right. I drafted some instructions. You
24 have them there, I think in blue. I'm going to run
25 through these, and you all can tell me -- you can tell
26 me what you think I should do when I get through telling
27 you what I'm intending to do.

28 I'm intending to give 200, 201, 202, 207, 41-7

1 THE COURT: Mr. Sanders?

2 MR. SANDERS: I believe so, sir.

3 THE COURT: Now, I'm going to tell you to put
4 down your pencils and pens and notebooks because I've
5 got quite a bit of reading to do. These are the
6 instructions that I'm going to give you on the law
7 that applies to this case. Some of these are general
8 instructions, some of these are specific instructions.

9 Just know that I'm going to go through them
10 rather quickly as I read because I don't believe that
11 reading them more slowly gives any benefit in your
12 comprehension. I'm going to be flashing these
13 instructions up on the board so you can read them along
14 with me. I will give you copies of these instructions
15 in writing to go back into the jury deliberation room,
16 and you'll have plenty of chance to look at them when
17 deliberations start.

18 I haven't been in the 21st Century for long
19 yet. I'm kind of low-tech generally.

20 Remember when you saw the transcript, I told
21 you to go by the transcript, see if it helps you
22 understand what's on the tape, but the tape-recorded
23 media is the original. Here we go.

24 "Members of the jury, I will now
25 instruct you on the law that applies
26 to this case. I will give you a copy
27 of the instructions to use in the jury
28 room. The instructions that you

418

EXHIBIT COVER PAGE G&g

42

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

15/27/86
Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

TO BE VERBATIM (ACCURATE)
TO EXHIBIT 49 CD DISC OF INTERVIEW

THIS IS
IN STATES EXHIBIT
49A

103

113 FILED
102504

EXHIBIT #
CASE # FV1900518
NAME: FLEV-YABLONSKY JOHN
DATE: 12-7-11
CASE NUMBER: 127-11

49A

421

(21)

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(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

29 49A
Reviewed by Det. Rob Alexander

Page 1 of 113

#A1572

November 23, 2010

42-2
CREATED

SAME
DATE

(21)

B-1

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

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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.

CREATED LAW SUIT
AFTER SWITCHED
ANSWERS SWITCHED
AFTER LAW SUIT

FIRST SEEN
AFTER
JULY 2014

22

MIN. = MINUTES
SEC. = SECONDS

~~10/10~~ ~~11/11~~

42-3493 3-2

I'm
Seemingly
up interp
no record
p 120
we know
10/10 you
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12/12
evid.
p 124
Page
126

COM

INTERVIEW WITH JOHN YABLONSKY

DR #1331038-07 / H #1955-100

(v) Rita Ccbb

ALTERED RASHERS

1 had sex? Never got in any fights with her? She was a nice lady? You're nodding
 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. *THE 7 TIMES*
 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?

ALTERED FROM
 [NO] AUDIO + VISUAL
 To [] SEE
 EXHIBIT 4
 CD 1

49A

B-3 424

23

INTERVIEW WITH JOHN YABLONSKY

DR #1631938-07 / H #1985-100

(v) Rita Cobb

ALTERED FROM
[YES SHE DID] AUDIOTUSUALLY
TO [NO] SEE CD DISC
EXHIBIT 4757

ALTERED ANSWERS

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: Sc. . . .

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

1177

49A

425 B4

105
23

EXHIBIT COVER PAGE G&g

43

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~15~~ ~~29~~ 86

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

Minutes

[Home](#) [Charges](#) [Actions](#) [Minutes](#) [Probation](#)
[Case Report](#) [Fine Info](#)

Case Number:

Case FVI900518 Defendant 3114201 YABLONSKY, JOHN HENRY

Defendant: 1 of 1

Action:

Case FVI900518 Defendant 3114201 YABLONSKY, JOHN HENRY

Action: JURY TRIAL (IN PROGRESS) Date: 01/27/2011 Time: 9:00 AM
 Division: V2 Hearing Status: DISPOSED

DHN M TOMBERLIN, J-JUDGE
 CLERK: VICKIE LO VASCO
 CERTIFIED COURT REPORTER: SM-SHAWNA MANNING CSR# SM-12827
 DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
 DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
 DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
 ACTION CAME ON FOR JURY TRIAL-IN PROGRESS.

7TH DAY OF TRIAL.

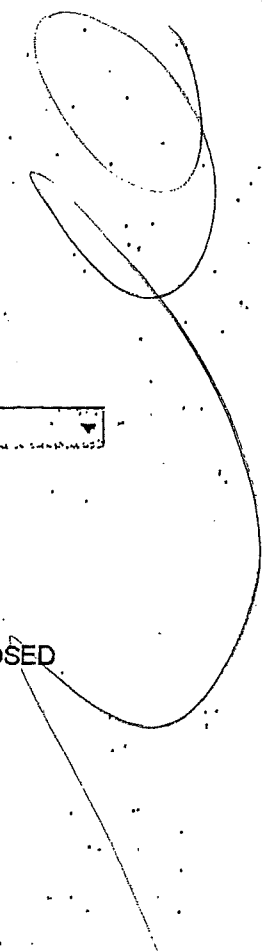
9:15

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE JURORS ARE PRESENT AND IN THEIR PLACES.

PEOPLE'S EXHIBIT(S) 49-CD INTERVIEW WITH DEFENDANT MARKED FOR IDENTIFICATION.
 PEOPLE'S EXHIBIT(S) 49A-TRANSCRIPT OF EXHIBIT 49 MARKED FOR IDENTIFICATION.

:16
 PEOPLE'S WITNESS DETECTIVE ROBERT ALEXANDER SWORN AND TESTIFIES.

EXHIBIT 49 (CD) PLAYED IN OPEN COURT - COURT REPORTER WAIVED DURING THE PLAYING OF



8/13 - 10014859
 7/11 - 10010007
 16
 27

EXHIBIT 49
 51
 H1
 (E1)

BENCH CONFERENCE ENDS AT 2:37.

2:38

JURY QUESTION RECEIVED

RECESS DECLARED; JURORS ADMONISHED.

14:40

COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

14:41

ACTION CAME ON FOR DEFENSE 1118.1 MOTION.

ARGUMENT PRESENTED BY COUNSEL FOR THE DEFENSE.
ARGUMENT PRESENTED BY COUNSEL FOR THE PEOPLE.

DEFENSE MOTION 1118.1 IS DENIED.

COURT AND COUNSEL DISCUSS DEFENSE REQUEST TO HAVE COURT INSTRUCT JURY TO
DISREGARD LINES 10 THROUGH 12 OF EXHIBIT 49A (TRANSCRIPT) DEFENSE MAY BRING AUTHORITY
FOR COURT TO REVIEW.

RECESS DECLARED 2:57.

RECESS DECLARED 2:56

15:26

COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

PEOPLE'S EXHIBIT(S) 1 THROUGH 29 ENTERED INTO EVIDENCE.

PEOPLE'S EXHIBIT(S) 33 THROUGH 37 ENTERED INTO EVIDENCE.

PEOPLE'S EXHIBIT(S) 39 ENTERED INTO EVIDENCE.

PEOPLE'S EXHIBIT(S) 41 THROUGH 49A ENTERED INTO EVIDENCE.

(EXHIBITS ENTERED BY STIPULATION)

COURT AND COUNSEL DISCUSS JUROR QUESTION.

COURT AND COUNSEL REVIEW JURY INSTRUCTIONS ON THE RECORD.

RECESS DECLARED 4:00

HEARINGS

JURY TRIAL (IN PROGRESS) CONTINUED TO 01/31/2011 AT 9:00 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

JURORS ORDERED BACK AT 9AM - COUNSEL ORDERED BACK AT 8:30)

CUSTODY STATUS

EXHIBIT H3

J3

(43-2)

(E2)

10/13-10014859
9/11-10010007

===== MINUTE ORDER END =====

PREVIOUS MINUTES PRINTED.

1) STATES EXHIBIT 49 (INTERROBATION RECORDING CD) IS 3 HR. 48 min. IN LENGTH.

2) MINUTES OF COURT HEARINGS ON JAN. 27, 2011 WHERE (?) RECORDING WAS PLAYED TO JURY LASTES 1 HR. 55 min.

3) TRIAL ATTORNEY UNDER OATH TOLD THE COURTS HE ONLY KNEW OF 15 MINUTES BEING REDACTED (THIS WAS WITHOUT YABLONSKY KNOWLEDGE, CONSENT, UNDERSTANDING)

4) STATE PROSECUTOR IS THE LAST ONE TO PHYSICALLY ALTER THE RECORDING "SO IT WOULD SOUND GOOD"

5) STATE PROSECUTOR'S LEAD DETECTIVE SNORE UNDER OATH, THIS VERSION (EXHIBIT 49A) WAS ACCURATE TO STATES EXHIBIT 49 (THE DISC)

6) THE JUDGE GAVE AN INSTRUCTION TO THE JURY, THE RECORDING THEY LISTED TO WAS "ORIGINAL MEDIA" JUST AFTER HE TOLD THEM HE WAS LOW TECH [NORMALLY/USUALLY] "H

(43-3)

54 (LES) EXHIBIT

1.713 - 10014859
10/11 - 10010007

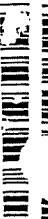


EXHIBIT COVER PAGE G&g

44

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

THIS WAS GIVEN TO ATTORNEY TELLING HIM
I WANTED TO TESTIFY HE TOLD ME I HAD TO
I DECIDE 3 DAYS LATER THEY 15 MIN LATER ANNO DEF. REST.

(LIAR)

I HAVE TO TESTIFY AT THIS
POINT I BELIEVE.
THIS IS ALL TOO FAR IN THE
WRONG UNDERSTANDING.
THOMAS SACKED THAT DECISION
IN HIS OPENING STATEMENT.

IF I DON'T TESTIFY THOMAS
HAS PRESUMED MY LEVEL OF
INVOLVEMENT.

IF THE "RAPE" LEADS TO THE
MURDER, MY ONLY ESCAPE FROM
MURDER IS TO EXPLAIN MY
RELATIONSHIP. THOUGH IT LEADS
ME BACK TO TWO ACCUSATIONS
I'M STUCK WITH THIS JUDGE
AND HIS PERPETUAL DENIAL OF
ANY FAVOR TO PROBABILITY OF
MY INNOCENCE

WHAT THE HELL DO I DO
AND HOW DOES THIS HELP
IN THE APPELLATES IF THIS GOES
WRONG.

44-1

JUDGE SAID "IF DEF. ATTY SAYS HELL SUBMIT
THE EVIDENCE ON RECORD, THAT'S DEF. RESTS"
"TRIAL ATTY ONLY SAID DEF. RESTS"

EXHIBIT COVER PAGE G&g

45

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~1528~~ 186

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

HIGH DESERT

SECTION B • THURSDAY, FEBRUARY 1, 2011 • VICTOR VALLEY & HIGH DESERT

3 EACH

128
role
203
motive
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and n
had bee

losing arguments heard in 1985 murder case

Man accused of raping, strangling woman to death

BY NATASHA LINDSTROM
STAFF WRITER

VICTORVILLE • DNA evidence suggesting John Yablonsky had sex with a Lucerne Valley woman shortly before she was killed some 25 years ago doesn't prove Yablonsky also murdered the woman, the defense argued Monday in Victorville court. Yablonsky, 47, is accused

of raping and strangling 55-year-old Rita M. Cobb to death with a wire coat hanger in her Lucerne Valley home in 1985. He is charged with murder and the special circumstance of rape or attempted rape.

In his closing argument, Deputy Public Defender Dave Sanders said the prosecution's evidence didn't directly link his client to the murder and suggested multiple other scenarios that could have led to her death.



DAILY PRESS FILE PHOTO
IN COURT: Cold case murder defendant John Yablonsky, 47, right, talks with Deputy Public Defender David Sanders in in this recent file photo.

SEE YABLONSKY, PAGE 5

FROM PAGE 1

Sanders argued the prosecution hadn't proved someone forced upon Cobb — a doctor testified there wasn't any physical evidence of a sexual assault — nor that the sexual act happened the same time as the strangulation. An expert testified Cobb could have had sex several days or more than a day before she was killed. "The information we have in this case could add to a number of confusions," Sanders told jurors, reminding them that when there's multiple reasonable circumstances, "you must accept the one that points to innocence."

Among the alternative scenarios he cited, perhaps the victim asked

before her death, over to her home to make a repair and the two had consensual sex. A man whom Cobb had reportedly been on a date with the suspected night of her death, Joe Saunders, was waiting outside and then entered her unlocked home and killed her in a jealous rage.

After the hearing, Sanders said sheriff's officials had confirmed Saunders committed suicide a few months after Cobb's death, but Sanders wasn't able to submit that finding to the jury.

"I couldn't figure out a way to get it in with the rules of evidence," Sanders said. "The only way you can get something in is with a live witness or someone that can substantiate making a record back then and that was the problem. There's

Deputy District Attorney John Thomas dismissed Sanders' alternative situations as imaginative plots not backed by any evidence.

"There has not been any evidence presented in this case that links this crime to anybody else but the defendant," Thomas told jurors.

Thomas argued there was evidence showing signs of a rape struggle and reminded jurors Cobb was found dead fully nude in a sexual position. *body m...c*

Thomas also replayed tape recordings of multiple interviews between the defendant and detectives in which Yablonsky repeatedly denied having sex with the victim — a finding Thomas said showed Yablonsky was lying to distance himself from the crime.

Sanders said was interviewed with his wife in the room, may have lied for fear of embarrassment that he slept with a woman double his age just before somebody killed her.

Many who would have been Cobb's contemporaries at the time of her death now can't be found or have died, and the prosecution has not reexamined the full list of 16 suspects initially brought in for questioning, Sanders added.

"We're ... trying to put a puzzle together where all we know is one or two little pieces," Sanders said. "Everything about it is circumstantial evidence. There is no direct evidence in this case that goes to the main issues." The prosecution also proved no motive, Sanders argued. Other

assault was the motive, as Cobb's home had not been ransacked and no items of value had been stolen.

Yablonsky opted not to testify. Just before he finished his closing, Sanders reminded jurors they could not use the fact that Yablonsky used his constitutional right not to testify as evidence of his guilt.

After jurors retired to deliberate, Sanders said he was confident the prosecution's evidence was so "spotty" that he didn't think any jury could "come back with a sure verdict."

If convicted, Yablonsky faces a maximum sentence of life in prison without the possibility of parole.

Natasha Lindstrom may be

12 TO 5 DAY BEFORE THE MURDER

(45A)

EXHIBIT COVER PAGE G&G

46

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~TS-27786~~

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

9/15

THIS TO BE PLACED BETWEEN PAGE 15 AND 16

124

199

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT
MINUTE ORDER

CASE NO: FVI900518

DATE: 02/03/11

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA
vs.
JOHN HENRY YABLONSKY

DEPT: V2 02/03/11 TIME: 9:00 am JURY TRIAL (DELIBERATIONS)

CHARGES: 1) 187(A) PC-F

How is this 30 min
Allen and not prejudicial
AND AN ATTORNEY IVE NEVER
MET NOT PREJUDICE MY
CASE WHO WAS THIS MAN
THIS ATTORNEY STOOD IN
WHEN JURY WAS DEADLOCKED
AND SANDERS WAS IN
COURT UNTIL 3 PM. MY
FAMILY SAW HIM IN THE
HALLWAY AS THEY WAITED
FOR JURY. IVE NEVER
MET SEEN OR SPOKE TO
NOW HEARD OF, YET HE
HAD AUTHORITY IN
MY TRIAL
97 MINUTES LATER

JOHN M TOMBERLIN, JUDGE
Clerk: Vickie Lo Vasco
Certified Court Reporter: Shawna Manning; CSR# 12827
Deputy District Attorney JOHN THOMAS present.
Deputy Public Defender DAVE SANDERS present
Deputy Public Defender PHIL ZYWICIEL (PM) present
Defendant present in custody.

PROCEEDINGS

Action came on for Jury Trial-In Progress

11TH DAY OF TRIAL.

9:10

Jury RESUME deliberations 9:10.

10:47

Recess declared 10:47

STILL DEAD LOCKED

11:09

Jury RESUMES deliberations 11:09.

STILL DEAD LOCKED 51 MINUTES LATER

Recess declared FOR JURORS - 12:00

13:30

Jury RESUME deliberations 1:30.

STILL DEAD LOCKED 112 MINUTES LATER

Recess declared FOR JURORS - 3:22

15:50

Jury RESUME deliberations 3:50.

(46-1)

16:35

Court reconvenes; all parties present. 45 MINUTES AFTER THREE MORE DEAD
LOCKS A VERDICT WAS FORCED

WHERE DID THE JUDGES REQUEST FOR 30 MORE MINUTES

173

129
2024

Yablonsky guilty in cold case killing

BY TOMOYA SHIMURA
STAFF WRITER

VICTORVILLE • John Yablonsky charged with the 1985 murder of a Lucerne Valley woman was convicted late Thursday afternoon in Victorville Superior Court.

After three days of deliberations, a jury came back with the verdict finding Yablonsky guilty of the murder of Rita M. Cobb and special circumstances of rape. The 47-year-old defendant is expected to be sentenced to life in prison without parole on April 8.



John Yablonsky

The jurors almost hung Wednesday night — eight for guilty and four for not guilty. But Judge John Tomberlin told them to continue deliberating one more day.

Hearing the guilty verdict, Daryl Kraemer, the victim's son who was sitting in the audience with his wife, quietly wiped away tears.

"It's just a boy," Kraemer said. "The jurors made the right decision."

SEE GUILTY • PAGE 7

AFTER STOCKWELL TESTIFIED THE DNA COULD BE AT SCENE BEYOND DOUBT AND THERE IS NO OTHER EVIDENCE
BEFORE CLAIMS REASONABLE DOUBT WAS INSERTED AND THERE IS NO OTHER EVIDENCE

3 EACH

GUILTY: Some jurors felt they needed more evidence

Daily Press | Page edited by Mike Lamb

FROM THE FRONT

Friday, February 4, 2011 | PAGE A7

FROM PAGE 1
Kraemer thanked the jurors in the courtroom and a male juror told him, "I hope it brings peace to your family." Kraemer and his wife, Maria, discovered Cobb naked on her bed in her house more than 25 years ago. The victim had been strangled to death with a wire coat hanger. Yablonsky wasn't arrested until March 2009.

When San Bernardino County Sheriff's officials matched his DNA with evidence discovered at the murder scene, the investigation took so long because DNA science was still in its infancy in 1985. Some jurors told attorney in the hallway it took them a while to reach the verdict because they felt they needed more evidence. "I'm disappointed

because I thought we had good evidence," said Deputy Public Defender Dave Sanders. Yablonsky's attorney, "I thought there was serious reasonable doubt concerning my client's guilt. I felt it wasn't entirely clear what happened 25 years ago." Cold cases can be difficult to try because witnesses from decades earlier can't be found or have died and evidence has aged and evidence sometimes inadvertently gets lost or destroyed. John Thomas said, "I'm just happy they came back with a guilty verdict." Thomas said, "I hope it gives some closure to Daryl and Maria." During the interview with detectives, Yablonsky recognized the photo. He and Cobb in a photo. He and his family used to rent Cobb's back house until they moved out about a year before her death. But Yablonsky repeatedly denied ever having a personal or sexual relationship with the victim during the interview with detectives. Because Yablonsky's DNA was found on Cobb, some jurors said they felt like Yablonsky was lying. "Twenty-five years of guessing and thinking about what I could have done to change things at that time. It made me feel miserable," Kraemer said. Did the verdict help ease the burden? "Now I can start working on it," Kraemer said.

Tomoya Shimura may be reached at tshimura@vvdaily.com or (760) 955-5366.

A DOCTORED RECORDING WILL SURE HELP A CONVICTION

114

462

Yablonsky convicted

BY TOMOYA SHIMURA
STAFF WRITER

VICTORVILLE • John Yablonsky, charged with the 1985 murder of a Lucerne Valley woman, was convicted last Thursday afternoon in Victorville Superior Court.

After three days of deliberations, a jury came back with the verdict finding Yablonsky guilty of the murder of Rita M. Cobb and special circumstances of rape. The 47-year-old defendant is expected to be sentenced to life in prison without

SEE CONVICTED • PAGE 8

CONVICTED

FROM PAGE 1

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The jurors' almost hung Wednesday night — eight for guilty and four for not guilty. But Judge John Tomberlin told them to continue deliberating one more day.

Hearing the guilty verdict, Daryl Kraemer, the victim's son who was sitting in the audience with his wife, quietly wiped away tears. "It's just a joy,"

Kraemer said. "The jurors made the right decision."

Kraemer thanked the jurors in the court hallway and a male juror told him, "I hope it brings peace to your family."

Kraemer and his wife, Marta, discovered Cobb naked on her bed in her house more than 25 years ago. The victim had been strangled to death with a wire coat hanger.

Yablonsky wasn't arrested until March 2009, when San Bernardino County

Sheriff's officials matched his DNA with evidence discovered at the murder scene. The investigation took so long because DNA science was still in its infancy in 1985.

Some jurors told attorneys in the hallway it took them a while to reach the verdict because they felt they needed more evidence.

"I'm disappointed because I thought we had good evidence," said Deputy Public Defender Dave Sanders.

Yablonsky's attorney, "I thought there was serious reasonable doubt concerning my client's guilt. I felt it wasn't entirely clear what happened 25 years ago."

Cold cases can be difficult to try because witnesses from decades earlier can't be found, and evidence sometimes inadvertently gets lost or destroyed, Deputy District Attorney John Thomas said.

"I'm just happy they came back with a guilty verdict," Thomas said.

"I hope it gives some closure to Daryl and Marta."

During the interview with detectives, Yablonsky recognized Cobb in a photo. He and his family used to rent Cobb's back house, until they moved out about a year before her death. Yablonsky repeatedly denied ever having a personal or sexual relationship with the victim during the interview with detectives.

Because Yablonsky's DNA was found on Cobb,

some jurors said they felt like Yablonsky was lying.

"Twenty-five years of guessing and thinking about what I could have done to change things at that time. It made me feel miserable," Kraemer said.

He was asked if the verdict helped ease the burden.

"Now I can start working on it," Kraemer said.

Tomooya Shimamura be reached at tshimura@VVDailyPress.com or (760) 955-5568.

463

EXHIBIT COVER PAGE G&g

47

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

15-29186

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

HONORABLE JUDGE M. TOMBERLIN

VICTORVILLE SUPERIOR COURT
CRIMINAL DIVISION

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

FEB 25 2011

By *Marcia S. Ramirez*
MARCIA S. RAMIREZ, DEPUTY

STATE OF CALIFORNIA,

) Case No.: FVI900518

Plaintiff,

) MARSDIN MOTION

vs.

JOHN HENRY YABLONSKY,

Defendant

I BEG THE COURTS TO HEAR THE REQUEST FOR THE MOTION TO
RECUSE THESE SPECIFIC ATTORNEY DAVE SANDERS FOR THE FOLLOWING REASONS
THAT I BELIEVE QUALIFY AS INEFFECTIVE COUNSEL, AS WELL AS CONFLICT OF
INTEREST TO MY SELF AS WELL AS MY CASE.

1. LAST YEAR MR. SANDERS TOLD ME THAT I WAS PRECEDED BY TWO OTHER
CASES, WHICH IN FACT TURNED INTO MANY THAT CONTINUALLY POSTPONED
HIS EFFORTS AS WELL AS THE INTERESTS INTO MY VERY OWN CASE
2. THE BEGINNING OF THIS YEAR HE TOLD ME AGAIN THAT HE HAD ONLY THREE
OTHER CASES BEFORE MY CASE, AND AGAIN THAT LED TO FURTHER
INTERUPTION TO HIS INTERESTS TO MY CASE WHICH IN TURN LED US INTO
THE SCENARIO OF THE RAMOS RE- ELECTION CAMPAIGN THAT PROVED TO BE
BURDENSOME TO THE VERY LEAST, AND AGAIN FURTHER UNNECESSARY
DELAYS AND CONTINUANCES.
3. RIGHT AFTER THE RE-ELECTION FLIER INCIDENT MR. SANDERS INFORMED ME
THAT HE WAS GOING TO PREPARE AND FILE THREE MOTIONS WHICH WERE TO
PERTAIN ADEQUATE DEFENSES IN MY BEST INTEREST, WHICH AGAIN WASTED
THE COURTS TIME AND LED TO FUTILE EFFORTS BY MR. SANDERS BECAUSE HE
HAD IN FACT ONLY PREPARED ONLY ONE MOTION A 995 FOR DISMISSAL.

TO TERMINATE COURT APPOINTED ATTORNEY - 1

WCB
47-1

- 1 4. WHEN THE COURT APPEARANCE BEFORE HONORABLE JUDGE NIKKATA IN
2 DEPARTMENT # 3, MR. SANDERS WAS NOT EVEN INCLINED TO LET THE JUDGE
3 HEAR THE MOTION THAT HE'D TAKEN THE TIME TO PREPARE AND FILE, THE
4 JUDGE HAD TO INTERRUPT THE TWO ATTORNEY'S SANDERS AND THOMPSON,
5 WHICH WERE BOTH EAGER TO SET TRIAL DATES WITHOUT HEARING THE
6 DECISION ON THE MOTION FILED BY THE JUDGE HIMSELF. THE JUDGE HAD TO
7 TELL THE ATTORNEY'S THAT HE HAD TAKEN THE TIME TO REVIEW THE
8 MOTION , THAT SINCE HE'D TAKEN THE TIME TO READ THE MOTION, THAT HE
9 INSISTED ON HAVING THE MOTION HEARD THAT HE HIMSELF WAS NOT GOING
10 TO "SLOUCH" ON HIS JOB THAT HE WAS GOING TO DO HIS JOB.
- 11 5. AFTER JUDGE NIKKATA TOLD THE ATTORNEY'S THAT ACCORDING TO THE
12 MOTION AND THE EVIDENCES THAT THOMPSON HAD FILED THAT "THERE WAS
13 NO CONNECTION WITH YABLONSKY TO THE MURDER CRIME" AND THAT IF
14 THERE WAS OTHER EVIDENCES OR DOCUMENTS THAT NEEDED TO BE FILED
15 THAT WENT TO THIS SPECIFIC CASE , WHERE WERE THEY? IMMEDIATELY
16 BOTH MR. SANDERS AND MR. THOMPSON SAID THAT THEY WOULD BOTH
17 AGREE THAT THIS EVIDENCE DID INFACT EXIST?????? JUDGE NIKKATA TOLD
18 THEM THAT MAY VERY WELL BE BUT HE WANTED TO SE THEM PERSONALLY,
19 THAT WHERE WERE THE DOCUMENTS, AND MR. THOMPSON SAID THAT HE
20 MIGHT HAVE THEM IN HIS OFFICE; THE JUDGE TOLD HIM THAT HE HAD AN
21 HOUR AND A HALF IN TO PRESENT THE DOCUMENTS IN QUESTION.
- 22 6. MR. SANDERS HAS CONTINUALLY NEGLECTED TO RELAY THE EVIDENCES TO
23 ME THAT HE HAD "DISCOVERY" IN FULL AND ONLY THIS LAST MONDAY DID HE
24 GET ANOTHER PORTION TO ME . THE EVIDENCES ARE INCOMPLETE AND NOT
25 SUBSTANCIAL TO MY SATISFACTORY.
- 26 7. THERE ARE OTHER CASES THAT MY FIRST ATTORNEY WAS CLEAR WERE
27 PERTINANT TO MY DEFENSE AND EVEN MR. SANDERS STATED THAT THE
28 OTHER EVIDENCES WERE OF IMPORTANCE AND THAT INITIALLY THAT MR.
29 THOMPSON WAS GOING TO RENDER THE OTHER EVIDENCES THAT I BELIEVE
30 MAY QUALIFY AS EXCULPATORY EVIDENCES WHICH WOULD ASSIST IN MY

TO TERMINATE COURT APPOINTED ATTORNEY - 2

W 47-2

1 DEFENSE, BUT LATER MR. SANDERS STATED THAT MR. THOMPSON WAS NOW
2 NOT GOING TO RELEASE THE EVIDENCES TO MR. SANDERS.
3 8. THROUGH THE PROCESS OF CONTACTING THE WITNESSES THAT OUR
4 INVESTIGATOR WAS TO INTERVIEW MR. SANDERS DIDN'T CONSIDER ANY OF
5 THE INFORMATION THAT I HAD GIVEN HIM
6 9. MR. SANDERS HAS LIED TO ME ON SEVERAL OCCAISONS THAT HAD TO DO
7 WITH NUMEROUS POINTS OF INTERESTS, ONE BEING ABOUT HIS INQUIREING
8 AS TO HOW MANY FLIERS WERE MAILED OUT, HIS STATEMENT WAS THAT
9 ACCORDING TO THE PEOPLE HE'D ASKED THE ACTUAL COUNT OF FLIERS THAT
10 DISTRICT ATTORNEY RAMOS HAD MAILED MR. SANDERS SAID THAT THERE
11 WERE ONLY 3000 FLIERS MAILED. ON TWO OCCAISONS MR. SANDERS MADE
12 THIS STATEMENT TO ME.
13 10. AFTER I'D DONE MY OWN INVESTIGATING AND QUESTIONING SEVERAL
14 PEOPLE THAT HAD FURTHER INTERESTS WHICH WEREN'T EVEN CLOSE TO THE
15 ANSWER MR. SANDERS GAVE ME. I AGAIN QUESTIONED MR. SANDERS AND HIS
16 STATEMENT WAS THAT HE HAD ASKED OTHER ATTORNERYS AND DISTRICT
17 ATTORNEY'S AND THAT WAS WHAT THEY HAD TOLD HIM THE ANSWER WAS
18 THAT ONLY ABOUT 3000 FLIERS WERE MAILED ON A MAJOR RE-ELECTION
19 CAMPAIGN FOR "COUNTY DISTRICT ATTORNEY"?????????????
20 11. WHEN I'D QUESTIONED MR. SANDERS ABOUT THE INCIDENT IN THE 995
21 MOTION HEARING, HE DIDN'T REMEMBER ANY OF THE ACTIONS OR
22 SEQUENCES, OR EVEN WHY HE HAD IN FACT NOT FILED THE THREE MOTIONS.
23 12. AGAIN I ASKED MR. SANDERS ABOUT THE CASE BEING A DEATH PENALTY CASE
24 AND WHAT WAS HAPPENIG THERE, HE'D TOLD ME THAT THERE WAS NEVER A
25 DEATH PENALTY POSSIBILITY ON THIS MATTER, WHEN IN FACT THE
26 ARRAIGNMENT IN SUPERIOR COURT WAS CONTINUED BECAUSE MR. SANDERS
27 WASN'T SURE WHETHER HE WAS GOING TO BE ABLE TO REPRESENT THE CASE.
28 I SEEN MY NAME ON A DOCUMENT THAT STATED THAT THE POSSIBILITY OF A
29 SENTENCE OF DEATH WAS POSSIBLE FOR THIS ALLEGED CASE.
30

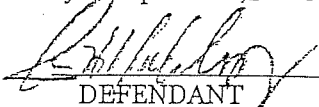
473

1 13. IF IN THIS MANY MONTHS THAT MR. SANDERS HAS BEEN APPOINTED MY
2 COUNSEL HIS ABILITY TO RETAIN OR RECALL INFORMATION, IT IS TRULY
3 UNACCEPTABLE AND IS IN FACT A DIRECT VIOLATION OF MY CONSTITUTION.

4 14. I CAN'T SEE HOW AN ATTORNEY THAT DOESN'T REMEMBER FACTS AND
5 SEQUENCES OR EVEN EXISTANCES OF MATTERS THAT PERTAIN TO MY CASE
6 SHOULD BE ACCEPTABLE ON ANY LEVEL. I'D WRITTEN HIM WITH MY
7 CONCERNS AND MENTIONED THAT MY INTENTIONS WERE TO RECUSE HIM
8 WITH A MARSDIN MOTION IF HE DIDN'T PULL HIS INTERESTS IN MY CASE
9 TOGETHER.

10 15. HE'S LIED TO ME TOO MANY TIMES TO TIMES TO EVEN MENTION AND ON
11 LEVELS THAT LEAVE ME NO OTHER CHOICE BUT TO NOT TRUST HIM. I BELIEVE
12 THAT HIS ACTIONS IMPLICATE THAT HE IS IN FACT CONSPIREING TO AND
13 WITH THE DISTRICT ATTORNEY'S OFFICE.

14
15
16
17
18 Dated this 21st day of September 2016



DEFENDANT
JOHN H. YABLONSKY

14344 CAJON AVE. ST.#201
VICTORVILLE, CA.
92392
PUBLIC DEFENDERS
OFFICE
ATT; DAVE SANDERS

1

WIS
47-4

1 16. THERE WERE IN FACT NUMEROUS WITNESSES THAT THE
2 COUNSEL NEGLECTED TO INVESTIGATE, SAYING HE DIDN'T
3 HAVE ANY IDEA WHAT THEY HAD TO OFFER, THESE PEOPLE BEING
4 LONG TIME RESIDENTS IN THE SHUTT COMMUNITY AS THE VICTIM HAD
5 IN FACT LIVED. THAT PERSONALLY KNEW THIS VICTIM AND HER
6 FAMILY AND COULD VERY WELL HAD INFORMATIONS THAT WOULD HAVE
7 OFFERED FURTHER EVIDENCES THAT WOULD HAVE HELDED THE
8 DEFENSE.

9 17. MR SANDERS FAILED TO PROPERLY PREPARE FOR THIS
10 MURDER TRIAL, ONLY FILING 3 MOTIONS AND AS HE'D SAID
11 VERBALLY SEVERAL OTHERS. HIS ATTEMPT TO DEFEND ME
12 IN THAT COURT ROOM HE PRESENTED A LACKING OF
13 PROFESSIONALISM AS WELL AS INTERESTS OF THE
14 LEGAL NATURE IN HIS CLIENTS DEFENSE.

15 18. MR. SANDERS CONTINUAL DEFENSE ~~STRATEGY~~ WHICH
16 WAS THAT HIS WHOLE DEFENSE STRATEGY EVOLVED AROUND
17 THE DEFENDANTS TESTIMONY, EVEN THEN I GAVE HIM
18 INFORMATION THAT HE SHOULD ONLY INVESTIGATE AND
19 COLLECT DOCUMENTATION FROM EL PASO, TEXAS AND
20 LONG BEACH CALIFORNIA IN ORDER TO SUBSTRANTIATE
21 HIS DEFENDANTS CLAIM OF WRONGFULL ACCUSATIONS
22 BY THE TWO PROSECUTORS WITNESSES. BY NOT EVEN
23 ATTEMPTING TO FOLLOW UP LEADS, HE HIMSELF SABOTAGED
24 HIS OWN OPPORTUNITY TO DEFEND HIMSELF THROUGH
25 TESTIMONY FROM THE STAND.

26 "

27 "

28 "

wife

TO TERMINATE COURT APPOINTED ATTORNEY - 5

47-5

1 18. DURING THE TRIAL MR. SANDERS HAD SEVERAL
2 OPPORTUNITIES TO RESEARCH CASE LAW THAT WOULD
3 ASSIST IN THE PRESENTATION OF CASES OF IMPERENTIAL
4 VALUE AS WELL AS ARGUMENTATIVE STANDING THAT
5 WOULD HAVE ASSISTED HIS CLIENTS DEFENSE.

6 19. THROUGH THE ENTIRE TRIAL MR. SANDERS
7 MADE NO ATTEMPT TO DISCUSS "ANY" MATTERS
8 AT HAND WITH HIS CLIENT EVIDENCES, WITNESSES,
9 DEFENSES, STRATEGIES, OR EVEN PROCEDURES.

10 THIS MAN FAILED TO INTELLIGENTLY REPRESENT
11 HIS CLIENTS INTEREST. CONTINUALLY SAYING DURING
12 WITNESS EXAMINATIONS THAT "HE KNEW THE
13 ANSWERS" WHEN I TOLD HIM THE JURORS
14 NEEDED TO KNOW. MR. SANDERS KNOWING
15 THAT THE JURY INSTRUCTION WOULD NOT ALLOW JURORS
16 TO ACCEPT ATTORNEY'S OPENING OR CLOSING STATEMENTS
17 AS EVIDENCES TO BE DELIBERATED UPON.

18 20. MR. SANDERS DECISION TO NOT PREPARE THE
19 CASE FOR TRIAL, RESEARCH EVIDENCES, SCHEDULE
20 ANY WITNESS, VERIFY ANY TESTIMONIES, MAKE
21 ANY OPENING STATEMENTS, PRESENT ONE WORD,
22 DOCUMENT, OR EVEN THEORY FOR HIS CLIENTS
23 DEFENSE IS NOTHING MORE THAN AN OBVIOUS
24 EXCUSE OF CLAIMING HIS LEGAL OBLIGATION TO
25 INTELLIGENTLY AND PROFESSIONALLY PREPARE A
26 DEFENSE FOR HIS CLIENT. THEN ANNOUNCING
27 DEFENSE RESTS WITHOUT HIS CLIENT APPROX. I WAS
28 TOLD = HAD 3 DAYS TO THINK ABOUT IT.

To THE COURT REPORTER WITNESS - 6

W17

47-6

1 POINTS AND AUTHORITIES

2
3 THE 6TH AMENDMENT OF THE UNITED STATES CONSTITUTION
4 SECTION 1 IS CLEAR THAT MY RIGHT AS AN AMERICAN CITIZEN
5 IS TO HAVE REPRESENTATION BY EFFECTIVE COUNSEL, AND TO
6 BE ABLE TO RELY ON INTELLIGIBLE AND LEGALLY EDICATED
7 AS WELL EXPERIENCED COUNSEL IN HIS/HER DEFENSE.

8 DOUGLIS V. COPLAN 428 F.3d 317, 332 (1ST CIR. 2005) TOTALITY OF CIRCUMSTANCES
9 INDICATE COUNSEL'S FAILURE TO INVESTIGATE A POSSIBLE DEFENSE WAS INEFFECTIVE
10 ASSISTANCE.

11 MARSHALL V. CATHEL 428 F.3d 452, 465-71 (3RD CIR. 2006) FAILURE TO
12 CONDUCT INVESTIGATION WAS INEFFECTIVE COUNSEL, COULD HAVE PRODUCED
13 PIVOTAL WITNESSES.

14 U.S. V. ROANE 378 F.3d 582, 406 (4TH CIR. 2004) FAILURE TO INTERVIEW
15 AND CALL REBUTAL WITNESSES BECAUSE DEFENDANT DIDN'T SUPPLY COUNSEL
16 WITH EVIDENCES THAT COULD HAVE CONTRADICTED PROSECUTOR'S WITNESSES.

17 MCMANN V. RICHARDSON 397 U.S. 759, 771 A.14 (1970) RIGHT TO EFFECTIVE
18 COUNSEL PERTAINS TO RETAINED AND APPOINTED COUNSEL. SEE ALSO
19 CULVER V. SULLIVAN 466 U.S. 335, 344-45 (1980) CHANDLER V. U.S.
20 218 F.3d 1305, 1314 (11TH CIR. 2000) PRESUMPTION OF COUNSEL'S
EFFECTIVENESS AND PETITIONER'S BURDEN OF PERSUASION TO
REBUT PRESUMPTIONS IS VERY HIGH.

21 U.S. V. RUSSELL 221 F.3d 615, 621-22 (4TH CIR. 2000) COUNSEL
22 FAILURE TO CONFIRM CONVICTIONS AFTER DEFENDANT INFORMED
COUNSEL THAT CONVICTIONS WERE INVALID, WAS PREJUDICIAL BECAUSE
DEFENDANT'S CREDIBILITY WAS CENTRAL TO GOVERNMENT'S CASE.

23 STEWART V. WOLFENBARGER 468 F.3d 538, 361 (6TH CIR. 2006)
24 COUNSEL'S FAILURE TO INVESTIGATE A FAVORABLE WITNESS OR
25 TO CALL 2 ADDITIONAL ALIBI WITNESSES WAS PREJUDICIAL
BECAUSE TESTIMONY WOULD HAVE UNDER CUT SEVERELY THE
26 PROSECUTION'S STRONG WITNESSES.

27 //

28 //

w18

TO TERMINATE COURT APPOINTMENT - 7

47-7

1 CONCLUSION

2 IT IS ONLY THROUGH EXTREME FACTS THAT
3 THIS ATTORNEY MR. DAVE SANDERS HAS BEYOND PROVEN
4 HIS INEFFECTIVENESS TO BE ABLE TO REPRESENT
5 HIS CLIENT IN THIS MATTER AND HAS PROVEN TO
6 BE INCOMPETANT OF HANDLING SUCH A TECHNICAL
7 AND SERIOUS CASE, WHILE PERFORMING TRAILS THAT
8 VERY WELL COULD BE INTERPRETED AS CONSPIRACY
9 IN AND AGAINST HIS APPOINTED CLIENT THROUGHOUT
10 HIS ENTIRE APPOINTMENT.

11 THESE FACT IN AND OF THEMSELVES PROVE
12 BEYOND A REASONABLE SUSPICION THAT ATTORNEY
13 DAVE SANDERS HAD NOT PREPARED OR PRESENTED
14 A DEFENSE FOR HIS CLIENT, RELYING ON HIS
15 DESCRIPTION OF BASEBALLS ARTICLES AND ITS
16 PATRIOTIC VALUE WHILE SUGGESTING THE ROLE OF
17 DICE WOULD IN FACT STYMIE THE STATES WITNESS
18 OF PROFESSIONAL FORENSIC VALUE.

19 I ASK THAT THIS COURT ALLOW ME TO PREPARE
20 AND PRESENT A MOTION FOR A NEW TRIAL AS WELL
21 AS A WRIT OF HABEAS CORPUS.

22
23 RESPECTFULLY SUBMITTED

24 2/21/11

25 John H. Kreling
26 John H. Kreling

27 w19
28

THE TESTIMONY OF AT LEAST ONE OTHER WITNESS IS REQUIRED

47-8 488

ALPHABETS

12/1/09

John...
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Supreme Court of California
Victor L. KENNEDY, DEPT. 2
Honorable Justice John J. Tanner - Jr.
4455 Civic Drive STE 200

16/01/09
K...
K...

97397-2400
97397-2400

47-9
W20

EXHIBIT COVER PAGE G&g

48

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~18~~ 27/86

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

2EA

MY COPY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

FV1400518

1 PEOPLES OF STATE OF
2 CALIFORNIA
3 PLAINTIFFS
4 V.
5 JOHN HENRY YABLONSKY SR.
6 DEFENDANT

CASE NO. FV1900815
POINTS AND AUTHORITIES IN
SUPPORT OF NEW TRIAL
PROSECUTORIAL MISFEASANCE
DATE: APRIL 8, 2011
TIME: 8:30 AM
DEPT: V-2
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT
MAR 24 2011

BY Marcia S. Ramirez
MARCIA S. RAMIREZ, DEPUTY

8 DEFENDANT SUBMITS THE FOLLOWING POINTS
9 AND AUTHORITIES IN SUPPORT OF THE MOTION FOR A NEW
10 TRIAL BASED ON PROSECUTORIAL MISCONDUCT.

12 THE PROSECUTIONS DUTY AS A CRIMINAL PROSECUTOR IS TO
13 SEEK JUSTICE. THEREFORE THE PROSECUTOR SHOULD PROSECUTE WITH
14 EARNESTNESS AND VIGOR "BUT MAY NOT USE "IMPROPER METHODS
15 CALCULATED TO PRODUCE A WRONGFUL CONVICTION" PROSECUTORIAL
16 MISCONDUCT JUSTIFIES DECLARING A MISTRIAL WHERE IT "SO
17 INFECTS THE TRIAL WITH UNFAIRNESS AS TO MAKE THE RESULTING
18 CONVICTION A DENIAL OF DUE PROCESS".

I

20 THE PROSECUTOR MAY NOT USE THE DEFENDANTS CASE,
21 INFORMATION ABOUT THE DEFENDANT AND OR THE DEFENDANTS
22 CASE OUTSIDE OF PROSECUTORIAL RESPONSIBILITIES OF PROSECUTING
23 ALLEGED CRIMES THAT INVOLVE THE DEFENDANT.

24 ON OR ABOUT MAY 19 2010, IN THE COUNTY OF SAN BERNARDINO
25 THE COUNTY DISTRICT ATTORNEY INJECTED INFORMATION INTO THE COUNTY'S
26 REGISTERED VOTER WITH HIS RE-ELECTION CAMPAIGN, THERE BY
27 VIOLATING THE DEFENDANTS 6TH + 14TH AMENDMENTS OF THE
28 U.S. CONSTITUTION, THEREBY COMMUNICATING WITH RESPECTIVE JURORS

PROSECUTORIAL POINTS & AUTHORITIES

48-1

X1

1 BUCKLEY 509 U.S. AT 272 (PROSECUTOR IMMUNE OF 1983 WHILE
2 PREPARING FOR PROSECUTION WHICH OCCUR IN ROLE AS ADVOCATE FOR THE
3 STATE) APPELLATE PROCEEDURE 3.21 (PROSECUTORIAL ABSOLUTE IMMUNITY
4 COVERS "ACT UNDERTAKEN BY A PROSECUTOR IN SEQUENCE OF TRIAL")
5 U.S. V. BOYLAN 898, F.2d 2301261 (1st CIR. 1990) PRESUMPTION OF PREJUDICE
6 APPLICABLE ONLY WHEN THIRD PARTY PRESENTS EGRESSIVE TAMPERING OF
7 THIRD PARTY COMMUNICATIONS WHICH DIRECTLY INJECTS ITSELF INTO THE
8 JURY PROCESS.

9
10 II.

11 WHEN GIVING THE DEFENSE COUNSEL EVIDENCES LESS THAN 30 DAYS
12 TO THE TRIAL, SABOTAGING THE DEFENSES RIGHT TO INVESTIGATE
13 AND OR PREPARE AN INTELLIGIBLE DEFENSE, STATING THE EVIDENCES
14 WERE AMBIGUOUS BECAUSE THE PROSECUTIONS WEREN'T CHARGING THE
15 DEFENDANT WITH THAT SPECIFIC CRIME, WHERE HAD FURTHER INVESTIGATION
16 BEEN ALLOWED, PROOFS THAT THESE TWO CRIMES WERE IN FACT LINKED
17 AND INVESTIGATED SEMI SIMULTANEOUSLY SINCE 1985, THEREBY
18 LYING TO THE COURTS AND DEFENSE COUNSEL SINCE EXCULPATORY
19 EVIDENCES PROVE THESE VERY FACTS, AND HAD THEY BEEN KNOWN
20 WOULD HAVE ASSISTED IN THE DEFENSE STRATEGIES OF THE
21 DEFENDANT. BRADY V. MD, 373 U.S. 83 (1963) U.S. V. STOKES
22 124, F.3d 39, 45 (12 CIR. 1997)

23 III

24 WHEN DURING THE PROSECUTOR'S OPENING STATEMENT, THE
25 PROSECUTOR MENTIONS THE FACT ABOUT THE DEFENDANTS COMMENTS
26 THAT ARE EXPECTED WHEN HE TAKES THE WITNESS STAND IN HIS
27 DEFENSE, VIOLATES THE DEFENDANTS RIGHT TO INVOKER HIS 5th AMEND.
28 RIGHTS OR EXERCISE THEREOF.

PROSECUTORIAL POINTS AND AUTHORITIES. X2

1 U.S. V. THOMAS, 114 F.3d 228, 248 (D.C. CIR. 1997) (PROSECUTOR'S
2 OPENING ARGUMENT IMPROPER BECAUSE PROSECUTOR LATER FAILED TO
3 PRODUCE REFERENCED EVIDENCE)

4 THE FIFTH AMENDMENT GUARANTEES CRIMINAL DEFENDANTS
5 AN UNQUALIFIED RIGHT TO CHOOSE WHETHER TO TESTIFY AT TRIAL
6 AND AT SENTENCING. IF A DEFENDANT CHOOSES NOT TO
7 TESTIFY, THE FIFTH AMENDMENT GENERALLY PROHIBITS
8 THE PROSECUTOR, THE JUDGE AND THE COUNSEL FOR A
9 CO-DEFENDANT FROM MAKING ADVERSE COMMENTS ABOUT
10 THE DEFENDANT'S DECISION NOT TO TESTIFY.

11 U.S. V. LIZARDO, 443 F.3d 73, 86-87 (1ST CIR. 2006) (PROSECUTOR
12 OPENING STATEMENT IMPROPER BECAUSE CONTAINED 3 STATEMENTS
13 NOT SUPPORTED BY EVIDENCE) ALSO U.S. V. FLAHERTY 295 F.3d
14 182, 202 (2ND CIR. 2002) COURT CONSIDER WHETHER PROSECUTOR
15 REMARKS IMPROPERLY INJECTED TRIAL WITH UNFAIRNESS THEREBY
16 VIOLATING THE DEFENDANTS DUE PROCESS.

17 18 IV.

19 DURING THE PROSECUTIONS WITNESS OF BRUCE NASH,
20 THE WITNESS TESTIFIED THAT THE PROSECUTOR COACHED HIS
21 TESTIMONY. (3 DAYS PRIOR TO TESTIFYING AT THE DEFENDANTS
22 TRIAL) WHILE UNDER OATH THE WITNESS BRUCE NASH
23 TESTIFIED THAT MRS COBB WAS GOING HOME AFTER
24 THEIR FRIDAY NITE PARTY (GET TOGETHER) PARTY. YET ON
25 MARCH 12TH 2009 BRUCE NASH TESTIFIED (STATEMENT) TO DET.
26 MYLER (M4285) THAT THE VICTIM OF THIS CASE STATED "SHE WAS
27 GOING TO THE ZODIAC BAR IN TOWN AFTER THE PARTY" AND
28 WITNESSED THE VICTIM LEAVE IN HER CADILLAC

PROSECUTORIAL POINTS + AUTHORITIES

3

48-3 X3

1 BEFORE HE AND HIS GIRLFRIEND CYNTHIA DROVE HOME.
2 MISTRACCHIO V. VOSE 274 F.3d 540 602 (1ST CIR. 2002) (PROSECUTOR'S
3 FAILURE TO CORRECT WITNESS FALSE STATEMENTS IMPROPER BECAUSE
4 PROSECUTOR KNEW STATEMENT WAS FALSE) SEE SHI H WEI SU V.
5 FILON 335 F.3d 119, 127-30 (2ND CIR. 2003) (PROSECUTION FAILURE
6 TO CORRECT GOVERNMENT'S WITNESS FALSE TESTIMONY AND SUBSEQUENT
7 ATTEMPT TO BOLSTER WITNESS CREDIBILITY IMPROPER AND VIOLATED
8 DEFENDANT DUE PROCESS.

9
10 IV

11
12 THE PROSECUTOR PLACED HIS INVESTIGATING OFFICER AND
13 SAN BERNARDINO COUNTY SHERIFF'S DETECTIVE ALEXANDER ON THE
14 STAND TO TESTIFY, WHILE CROSS EXAMINATIONS HE (DET. ALEXANDER
15 WAS ASKED HAD HE SEEN ALL THE EVIDENCES AND DISCOVERY
16 WHICH PERTAINED TO THIS CASE, HIS ANSWER WAS "YES",

17 DET. ALEXANDER WAS THEN ASKED UNDER CROSS EXAMINATION
18 HAD HE SEEN A FINGER PRINT REPORT WITH REGARDS TO THIS
19 CASE, HE SAID "NO". HE WAS ASKED DOES HE RECALL A
20 FINGER PRINT REPORT ABOUT A GLASS THAT WAS FOUND IN THE
21 KITCHEN, HE SAID "NO".

22 TRUTH OF THE MATTER, THERE IS AND WAS A FINGER
23 PRINT REPORT AS WELL AS A STATEMENT OR REPORT ABOUT
24 A JOE SAUNDERS THAT HAD LEFT A PRINT ON A CUP THAT
25 WAS FOUND BY CRIME SCENE OFFICERS, THAT WAS LATER
26 TO BE IDENTIFIED BY POLICE OFFICIALS TO HAVE BELONGED
27 TO JOE SAUNDERS. THE FACT THAT DETECTIVE ALEXANDER
28 DENIED THE EXISTANCE OF THIS REPORT OR EVEN THE
29 FINDINGS OF THIS REPORT WAS DONE TO PRESUDICE THE
30 JURY AND IN DOING SO, VIOLATE THE DUE PROCESS OF THE

XH

1 DEFENDANT, LEADING THE JURY TO BELIEVE THAT JOE SAUNDERS
2 WAS NEVER AT THE SCENE OF THE CRIME. MASTRACCHIO V.
3 VOSE 274 F.3d 590 602 (1ST CIR. 2002) ALSO SHI H WEI SU V.
4 FILIDN 335 F.3d 119, 127-30 (2ND CIR. 2003) MARRIS V. YLST
5 F.3d 735, 744 (9TH CIR. 2006) U.S. V. VALLIE 1284 F.3d 917, 921 (8TH CIR. 2002)

6 VI.

7 DURING A MOTION HEARING ABOUT PRE-TRIAL
8 DECISIONS, THE PROSECUTOR ARGUED THAT THERE WAS NO
9 TIES BETWEEN THE COBB MURDER AND THE BROOKS
10 MURDER, THAT THESE CASES WERE OF NO INTERESTS TO
11 EACH OTHER AND THAT JOHN YABLONSKY WAS NOT A
12 SUSPECT OF THE BROOKS CASE THEREFORE IT SHOULD
13 NOT BE ALLOWED IN AS PART OF THE DEFENSES STRATEGIES
14 THAT THERE WERE SEVERAL MURDERS THAT WERE LINKED.

15 THIS PROSECUTOR TOLD THE JUDGE IN THIS MATTER
16 THAT HE HADN'T INVESTIGATED THE BROOKS CASE TO ANY
17 LENGTHS AND THAT THAT CASE CARRIED "NO" VALUES TO
18 THE COBB CASE. BECAUSE OF HIS DECEIT AND FALSE
19 STATEMENTS TO THE COURT AND ON RECORD, HE VIOLATED
20 THE DEFENDANTS DUE PROCESS AS WELL AS VIOLATING
21 HIS RULES OF ETHICS TO THE COURTS AS WELL AS
22 THE PEOPLE OF THE STATE OF CALIFORNIA.

23 PROSECUTOR HAS CONSTITUTIONAL DUTY TO INVESTIGATE POTENTIALLY
24 EXCULPATORY EVIDENCES. THE 700 PAGE I PERSONALLY HAVE IN
25 MY POSSESSION ARE PEPPERED WITH FACTS, STATEMENTS, AND REFER
26 THAT THESE TWO CRIME SCENES HAVE BEEN LINKED TOGETHER SINCE 1985
27 AND FBI HAD LINKED THESE TWO CRIMES WITH 3 OTHERS AS
28 THE SAME SUSPECT)) NORTHERN MARIANNA ISLANDS V. BOWIE 1236
29 F.3d 1083, 1090 (9TH CIR. 2001) POLICE PERSONEL FILES CONTAIN EXCULPATORY
30 PEOPLES V. SUPERIOR COURT (GRIMMINGER), 55 CAL. APP. 4TH 397, 406 167 CAL.
RATR 2d 910 (1997)

PROSECUTORIAL POINTS AND AUTHORITIES

48-5

X5

VII.

THE PROSECUTOR ARGUED WITH DEFENSE COUNSEL IN CHAMBERS MOTION THAT THE VALIDITY OF ONE WE-TIP DOCUMENT THAT INVOLVED A "WILLIAM BACKOFF" CONFESSION ABOUT HIS INVOLVEMENT WITH THIS CASE, AND THAT THE CONFESSION IN FACT CARRIED NO PROBATIVE VALUE BARING ANY WEIGHT BETWEEN THE VICTIM COBB IN THIS CASE.

THE FACTS THAT THIS WE-TIP DOCUMENT CARRIED NOT ONLY CARRIED PROBATIVE VALUE, BUT ALSO FACTS THAT SEVERAL INVESTIGATING OFFICERS HAD DOCUMENTED, THAT HE WAS A PRIME SUSPECT TO NOT ONLY THE COBB CASE BUT THE BROOKS CASE AS WELL, THAT HE KNOWING ADMITTED HIS RELATIONSHIP WITH BOTH SUSPECTS, AND THAT HIS SALIVA WAS FOUND ON CIGARETTE BUTTS FOUND AT THE CRIME SCENE OF THE COBB CASE, NOT ONLY LINKED HIM TO THIS CASE BY CONFESSION BUT BY PHYSICAL EVIDENCES. THIS VOLATIL ACT AGAINST THE DEFENDANTS RIGHTS TO DUE PROCESS WAS AN ACT OF VINDICTIVE PROSECUTIONS. NORTHERN MARIANA ISLANDS V. BONIE, 236 F.3d 1083, 1090 (9TH CIR. 2001) PEOPLE V. SUPERIOR COURT (BREMINGER), 58 CAL. APP 4TH 397, 406, 67 CAL. RPTR. 2d 910 (1997) U.S. V. STOKES 124 F.3d 39, 45 (1ST CIR. 1997) IT IS HORNAROCK LAW THAT A FEDERAL COURT MAY DISMISS AN INDICTMENT IF THE ACCUSED PRODUCES EVIDENCE OF PROSECUTORIAL VINDICTIVENESS SUFFICIENT TO ESTABLISH DUE-PROCESS VIOLATION OR EVEN LIKELINESS OF VINDICTIVENESS TO SUFFICIENTLY JUSTIFY A PRESUMPTION.

VIII.

THE PROSECUTOR IN THIS CASE AS WELL AS HIS INVESTIGATOR HAD TAKEN LIBERTY TO ALTER THE RECORDINGS OF THE SUSPECT + DEFENDANT'S INTERROGATION. THESE ALTERATIONS WERE

1 IN ORDER TO PREJUDICE THE PANEL OF JURORS AND VIOLATE
2 THE DEFENDANTS DUE PROCESS. AT ONE POINT OF THE INTERROGATION
3 DET. MYLER AND DET. ALEXANDER WHILE AT THE DEFENDANTS
4 HOME, SUGGESTED THAT THE QUESTIONING BE CONTINUED AT
5 A MORE COMFORTABLE ATMOSPHERE BECAUSE OF SOME OF THE
6 QUESTIONS THE DETECTIVES WERE ASKING ie "ABOUT SEXUAL
7 ACTIVITY WITH THE VICTIM IN THIS CASE", MR. YASLOWSKY THE
8 DEFENDANT IN THIS CASE SUGGESTED "THE RESTAURANT AROUND
9 THE CORNER" IN WHICH EITHER MYLER OR ALEXANDER RESPONDED
10 "MORE COMFORTABLE THAN THAT", THE DEFENDANT ASK "WELL
11 THEN WHERE" OR "WHAT DID YOU HAVE IN MIND", THE DETECTIVES
12 ANSWERED "THE SIGMUND HILL POLICE STATION", THE DEFENDANT'S
13 RESPONSE WAS "MORE COMFORTABLE FOR WHOM".

14 THERE IS ANOTHER PORTION OF THE INTERROGATION THAT THE
15 DETECTIVES MENTIONED THAT MY BLUE PINTO WAS SEEN AT THE
16 CRIME SCENE. THERE WAS ANOTHER PORTION OF THE INTERROGATION
17 WHERE THE DEFENDANT MADE A COMMENT OF AND ON A PHOTOGRAPH
18 THE DETECTIVES SHOWED HIM OF THE VICTIM AND A COMMENT
19 WAS MADE BY THE DEFENDANT. THE "THEY REALLY HURT HER
20 BAD THIS TIME". IN FACT THE DISTRICT ATTORNEY PRESENTED
21 AN ENTIRE INTERROGATION THAT WAS MISSING "PAGES" NOT JUST
22 COMMENTS OR ANSWERS. THIS ACT WAS TO PREJUDICE JURORS
23 AND TO VIOLATE THE DEFENDANTS RIGHT TO DUE PROCESS
24 AND SEEK A CONVICTION AT "ALL" LENGTHS, EVEN TO
25 DEFACE HIS HONOR AND THE JUDICIAL PRACTICES THAT
26 HAS IS HELD TO AS A PROSECUTING ATTORNEY.

27 18 § 1001 OBSTRUCTION OF JUSTICE (A) EXCEPT AS OTHERWISE
28 PROVIDED IN THIS SECTION, WHOEVER IN ANY MANNER WITHIN THE
29 JURISDICTION OF THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCHES
30 OF THE GOVERNMENT OF THE UNITED STATES, KNOWINGLY AND WILLINGLY

PROSECUTORIAL POINTS AND INTER. T-ES X7

1 (1) FALSIFIES, CONCEALS, OR COVERS UP BY ANY TRICKERY, SCHEME,
2 OR DEVICE A MATERIAL FACT.

3 (2) MAKES MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT
4 STATEMENT OR REPRESENTATION, OR

5 (3) MAKE USES ANY FALSE WRITING OR DOCUMENT KNOWING THE
6 SAME TO CONTAIN ANY MATERIALLY, FALSE, FICTITIOUS, OR FRAUD-
7 ULANT STATEMENT OR ENTRY. SHALL BE FINED UNDER THIS

8 TITLE, AND IMPRISONED FOR NOT MORE THAN 5 YEARS OR IF
9 THE OFFENSE INVOLVES INTERNATIONAL OR DOMESTIC TERRORISM (AS
10 DEFINED IN SECTION 2331), IMPRISONED NOT MORE THAN 8 YEARS,
11 OR BOTH. TITLE III IMPOSES AT LEAST FOUR POST AUTHORIZATION DUTIES
12 UPON THOSE ACTING UNDER AN ELECTRONIC SURVEILLANCE ORDER. FAILURE
13 TO COMPLY WITH ANY OF THESE DUTIES MAY RESULT IN SUPPRESSION
14 OF EVIDENCE OBTAINED PURSUANT TO THE ORDER.

15 FIRST... THEN SECOND, TO PROTECT CONFIDENTIALITY AND TO
16 PREVENT TAMPERING, THE COURT MUST SEAL THE APPLICATION FOR A
17 TITLE III ORDER AND OF THE ORDER ITSELF, AS WELL AS THE
18 RECORDINGS MADE PURSUANT TO IT, IMMEDIATELY AFTER THE SPECIFIED
19 SURVEILLANCE PERIOD AND RELEVANT EXTENSIONS HAVE EXPIRED.

20 U.S. V. SURGER, 906 F.2d 977, 983-84 (4th CIR. 1990) (RECORDING
21 NOT REQUIRED WHEN "RECORDING" OF NUMBERS SHOWN ON DIGITAL DISPLAY
22 PAGER NOT POSSIBLE AND WRITTEN LOG KEPT BY AGENTS WAS
23 SATISFACTORY, THOUGH SUBJECT TO EDITING AND ALTERATION; WHEN
24 "RECORDING" NOT POSSIBLE, SEALING NOT REQUIRED.) THE
25 RECORDING MUST BE DONE IN A WAY THAT PREVENTS EDITING OR
26 ALTERATION, AND IT MUST NOT BE DESTROYED EXCEPT UPON THE
27 ORDER OF THE ISSUING JUDGE.

28 " "
29 " "
30 " "

PROSECUTORIAL POINTS + AUTHORITIES

X8

48-8

IX

1 THE PROSECUTION HAS A RESPONSIBILITY TO REFRAIN
2 FROM PROSECUTORIAL MIS CONDUCT.

3
4 THE DEFENSES OWES EXCLUSIVELY LOYALTY TO ONE CLIENT,
5 RESTRAINED BY ONLY THE RULES OF PROFESSIONAL CONDUCT, WHILE THE
6 PROSECUTION, RESTRAINED BY THE SAME RULES, OWES THE GREATEST
7 LOYALTY TO THE SYSTEM ITSELF. THE SPECIAL RESPONSIBILITIES OF THE
8 PROSECUTOR TO REFRAIN FROM MISCONDUCT HAS BEEN EMPHASIZED
9 REPEATEDLY BY THE SUPREME COURT AND OTHER APPELLATE COURTS

10 THE (PROSECUTOR) IS THE REPRESENTATIVE NOT OF AN
11 ORDINARY PARTY TO A CONTROVERSY, BUT OF A SOVEREIGNTY WHOSE
12 OBLIGATION TO GOVERN IMPARTIALLY IS AS COMPELLING AS ITS
13 OBLIGATION TO GOVERN AT ALL; AND WHOSE INTEREST, THEREFORE, IN A
14 CRIMINAL PROSECUTION IS NOT THAT IT SHALL WIN A CASE, BUT THAT
15 JUSTICE SHALL BE DONE. AND AS SUCH, HE IS IN A PECULIAR
16 AND VERY DEFINITE SENSE THE SERVANT OF THE LAW, THE
17 TWO FOLD AIMS OF WHICH IS THAT GUILT SHALL NOT ESCAPE
18 OR INNOCENCE SUFFER. HE MAY PROSECUTE WITH EARNESTNESS AND
19 VIGOR - INDEED HE SHOULD DO SO. BUT, WHILE HE MAY STRIKE HARD
20 BLOWS, HE IS NOT AT LIBERTY TO STRIKE FOUL ONES. IT IS AS
21 MUCH HIS DUTY TO REFRAIN FROM IMPROPER METHODS CALCULATED
22 TO PRODUCE A WRONGFUL CONVICTION AS IT IS TO USE EVERY
23 LEGITIMATE MEANS TO BRING ABOUT A JUST ONE.

24
25 PEOPLE V. LYONS, 47 CAL. 2d 311, 318, 303 P. 2d 329
26 (1956); BERGER V. U.S., 295 U.S. 78, 88, 55 S. CT. 629, 79 L. ED.
27 314. (1935)

28 DISTRICT ATTORNEYS ARE, OF COURSE, TO BE COMMENDED FOR
29 INVESTIGATING CRIME AND IN PROSECUTING, WITH VIGOR, THOSE ACCUSED
30 OF CRIME.

PROSECUTORIAL POINTS AND AUTHORITIES

1 CONVICTED BECAUSE THE DISTRICT ATTORNEY THINKS HE SHOULD, FOR
2 WHAT THE GUARANTEES - A FAIR JURY TRIAL. DISTRICT ATTORNEYS ARE
3 ACT THE ARBITERS OF GUILT OR INNOCENCE. A GUILTY MAN
4 EVEN A WEALTHY GUILTY MAN, IS AS MUCH ENTITLED TO A FAIR
5 TRIAL AS AN INNOCENT MAN. IF A CONVICTION IS SECURED BY
6 MEANS NOT SANCTIONED BY LAW, THE CONVICTION CANNOT AND SHOULD
7 NOT STAND.

8 PEOPLE V. TALLE, 111 CAL. APP. 2d 650, 678, 245 P.2d 633 (1952),
9

10
11 X.

12 BAD FAITH IS NOT REQUIRED TO ESTABLISH
13 PROSECUTORIAL MISCONDUCT

14 PROSECUTORIAL BAD FAITH IS NOT REQUIRED FOR A FINDING OF PREJUDICIAL
15 MISCONDUCT. THE PROSECUTOR'S BAD FAITH IS NOT CRUCIAL TO FINDING
16 MISCONDUCT; AS THE STANDARD IS AN OBJECTIVE ONE. PEOPLE V.
17 ALVAREZ, 14 CAL. 4th 155, 213, 58 CAL. RPTER. 2d 385, 926 P.2d 365
18 (1996)

19 WE OBSERVE THAT THE TERM PROSECUTORIAL "MISCONDUCT" IS
20 SOMEWHAT OF A MISNUMBER TO THE EXTENT THAT IT SUGGESTS
21 A PROSECUTOR MUST ACT WITH A CURPABLE STATE OF MIND. A MORE
22 APPR DESCRIPTION OF THE TRANSGRESSION IS PROSECUTORIAL ERROR.
23 PEOPLE V. HILL, 17 CAL. 4th 800, 823 N. 1, 72 CAL. RPTER. 2d 656,
24 952 P.2d. 643 (1998);

25 "

26 "

27 "

28 "

29 "

30 "

XII

POINTS AND AUTHORITIES PROSECUTORIAL

11

4811

XI.

1 PREJUDICIAL PROSECUTORIAL ERROR OCCURRED IN
2 THIS REQUIRING A NEW TRIAL

3 THE PROSECUTOR COMMITTED PROSECUTORIAL ERROR IN THE
4 AFORE MENTIONED MANNERS, AND IN THE LIGHT OF
5 JUDICIAL REASONING, THAT THIS COURT FINDS THAT ONE
6 OR MORE OF THE FACTS SUBSTANTIAL OR REASONABLY
7 SUBSTANTIAL, IT WOULD BE OF JUDICIAL REASONING TO
8 GRANT AND ORDER A NEW TRIAL IN THIS CASE.

9 IT IS ALSO IN THE COURTS DISCRETION TO DECIDE IF
10 IT SO CHOOSES TO FIND THE DEFENDANT IN THIS CASE
11 GUILTY OF A LESSOR DEGREE OF THE CHARGE OR
12 A LESSOR CHARGE IF IT SO STIPULATES.

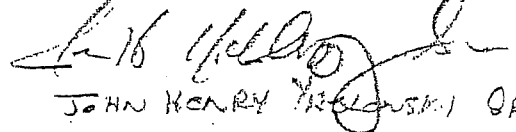
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15 VII

16 IT IS THE BELIEF THAT THE DEFENDANTS RIGHTS
17 HAVE BEEN VIOLATED ON MANY LEVELS, PROSECUTORIAL
18 MISCONDUCT IS JUST ONE OF THEM.

19
20
21 IT IS BECAUSE THE DEFENDANTS RIGHT TO EFFECTIVE
22 COUNSEL HAS BEEN TERMINALLY VIOLATED THAT THE
23 DEFENDANT PRAYS THE ACCEPTANCE OF THIS MOTION AS
24 WELL AS THE OTHERS FILED WITHIN THE PAST 3
25 MONTHS.

26
27
28 DATE: 3-18-11

RESPECTFULLY:



JOHN HENRY WILSON, JR.
DEFENDANT

X12

PROSECUTORIAL POINTS AND AUTHORITIES

Supreme Court of California
County of San Bernardino

1 PEOPLE OF THE STATE OF
2 CALIFORNIA,
3 PLAINTIFF
4 V.
5 JOHN HENRY YADLOWSKY JR.,
6 DEFENDANT

CASE No. FV1900518
NOTICE OF MOTION TO DIRECT THE
JURY TO RECONSIDER ITS VERDICT
CAL PEN. CODE § 1161
DATE: APRIL 8, 2011
TIME: 8:30 AM
DEPT: V-2

7 TO THE DISTRICT AGENCY OF SAN BERNARDINO COUNTY
8 AND/OR JOHN THOMAS THEIR REPRESENTATIVE.

9 PLEASE TAKE NOTICE THAT ON APRIL 8, 2011 AND AT THE
10 HOUR OF 8:30 AM, OR AS SOON THEREAFTER AS THE MATTER
11 MAY BE HEARD IN THE ABOVE ENTITLED COURT, THE DEFENDANT
12 WILL MOVE THE COURT FOR AN ORDER THAT THE JURY
13 BE DIRECTED TO RECONSIDER THE VERDICT OF
14 CONVICTION THAT IT REACHED.

15 THIS MOTION WILL BE MADE ON THE GROUNDS THAT
16 THE JURY IN REACHING ITS VERDICT WAS MISTAKEN
17 AS TO THE LAW.

18
19
20 48-73-11

RESPECTFULLY SUBMITTED
[Signature]
JOHN HENRY YADLOWSKY JR.
9000 FURNACE
R.C. CH. 91739

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48-73

JULY 2102 COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

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PEOPLE OF THE STATE
OF CALIFORNIA
PLAINTIFF
V.
JOHN HENRY YABLONSKY SR.
DEFENDANT

CASE No: FV1900518
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO DIRECT THE
JURY TO RECONSIDER ITS VERDICT
DATE: APRIL 8, 2011
TIME: 8:30 AM
DEPT.: U-2

DEFENDANT SUBMITS THE FOLLOWING POINTS AND AUTHORITIES
IN SUPPORT OF THE MOTION TO DIRECT THE JURY TO RECONSIDER
ITS VERDICT.

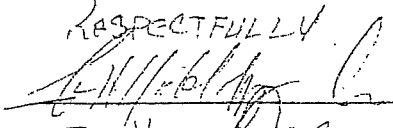
I.

THE COURT MAY DIRECT THE JURY TO RECONSIDER ITS
VERDICT IF THE JURY IS MISTAKEN AS TO THE LAW.

PEN. CODE § 1161 PROVIDES IN PART:

WHEN THERE IS A VERDICT OR CONVICTION IN WHICH IT APPEARS
TO THE COURT THAT THE JURY HAVE MISTAKEN THE LAW, THE
COURT MAY EXPLAIN THE REASON FOR THAT OPINION AND
DIRECT THE JURY TO RECONSIDER THEIR VERDICT. . . .

DATE: 3-17-11

RESPECTFULLY

JOHN YABLONSKY SR.
9500 EDINBURGH
R.C. CA. 91739

X14
48.14

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

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PEOPLE OF THE STATE
OF CALIFORNIA
PLAINTIFF.

V.

JOHN HERVY YABLONSKY SR.
DEFENDANT

CASE No. FVI 900518

NOTICE OF ACTION FILE

NEW TRIAL

DATE: APRIL 8, 2011

TIME: 8:30 AM

DEPT: V-2

TO THE DISTRICT ATTORNEY OF SAN BERNARDINO
COUNTY AND JOHN THOMAS THEIR REPRESENTATIVE

PLEASE TAKE NOTICE THAT ON APRIL 8, 2011
AT THE HOUR OF 8:30 AM OR AS SOON THEREAFTER AS
COUNSEL MAY BE HEARD IN THE COURTROOM OF THE ABOVE-
ENTITLED COURT, THE DEFENDANT WILL FILE FOR AN
ORDER SEEKING A NEW TRIAL IN THE ABOVE-ENTITLED
CASE.

THIS MOTION WILL BE ON THE GROUNDS THAT
PROSECUTORIAL MISCONDUCT DENIED THE DEFENDANT
THE RIGHT TO A FAIR TRIAL GUARANTEED BY THE
DUE PROCESS CLAUSE OF THE 14TH AMENDMENT
AND ARTICLE I § 15 OF THE CALIFORNIA CONSTITUTION.

SHOULD THE COURT DETERMINE NOT TO GRANT
A NEW TRIAL, THE DEFENDANT WILL FILE THAT, IN
LIEU OF SEEKING A NEW TRIAL, THE COURT FIND
THE DEFENDANT GUILTY OF A LESSER DEGREE
OF THE CRIME OF WHICH HE WAS ACCUSED, OR
OF A LESSER CRIME INCLUDED THEREIN.

THIS MOTION WILL BE BASED ON THIS NOTICE
OF MOTION, ON THE ATTACHED DECLARATION AND

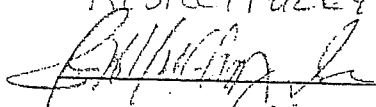
DECLARATION

48-15 X 15

1 MEMORANDUM OF POINTS AND AUTHORITIES
2 SERVED AND FILED HERewith, ON SUCH
3 SUPPLEMENTAL MEMORANDA OF POINTS AND AUTHORITIES
4 AS MAY HEREFTER BE FILED WITH THE COURT OR
5 STATED ORALLY AT THE CONCLUSION OF THIS
6 ACTION, AND ON SUCH ORAL AND DOCUMENTARY
7 EVIDENCE AS MAY BE PRESENTED AT THE HEARING
8 OF THE MOTION.

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DATE: 3-17-11

RESPECTFULLY

John Henry Wislensky Sr.
9500 ETTWANDA
R.I.C. C. 91739

X/6

PROSECUTOR GENERAL MISCONDUCT

4816

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
Victorville District

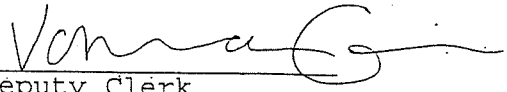
REQUEST FOR FURTHER ACTION

Judge Tombenin Date 03/17/11

CASE NUMBER: FVI900518
VIOLATION DATE: 09/20/85
CONVICTION DATE: 02/03/11 / SENTENCE DATE: 00/00/00
DEFT NAME: JOHN HENRY YABLONSKY

Plaintiff/Defendant Requests:

Motion for points and authorities in
support of a new trial on non statutory
grounds as referenced on
attached correspondence date received
3/15/11. Please advise.

Signed 
Deputy Clerk ext 31731

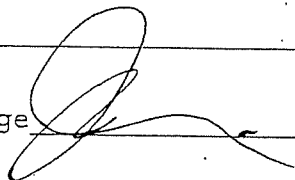
COURT ORDER

Granted _____

Denied _____

Remarks Noted

Date 4-4-11

Judge 

9/99 RFA

X17
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STATE OF CALIFORNIA
SAN BERNARDINE COUNTY

THE HONORABLE JUDGE JOHN TOMBERLIN

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PEOPLE OF THE STATE OF
CALIFORNIA
PLAINTIFF

V.
JOHN HENRY YABLONSKY SR.
DEFENDANT

CASE NO. FVI 900518
POINTS AND AUTHORITIES IN
SUPPORT OF A NEW TRIAL
DATE: APRIL 8, 2011
TIME: 8:30 AM
DEPT: UZ
PEN. CODE § 1181

THE DEFENDANT SUBMITS THE FOLLOWING POINTS AND
AUTHORITIES IN SUPPORT OF THE MOTION FOR A NEW TRIAL

I.

THE COURT IS AUTHORIZED TO GRANT A MOTION FOR
NEW TRIALS ON NON STATUTORY GROUNDS.

IN ADDITION TO THE GROUNDS ENUMERATED IN P.C. § 1181
A NEW TRIAL MAY BE BASED ON THE GROUNDS THAT CAUSED
THE DENIAL OF A FAIR TRIAL. AS STATED BY THE APPELLATE
COURT PEOPLE V. OLIVER 46 CAL APP. 3D 747, 175, 120 CAL
RPTR. 368 (1975).

ALTHOUGH IT HAS BEEN STATED IN THAT MOTIONS FOR A
NEW TRIAL MUST BE MADE ON ONE OR MORE OF THE
GROUNDS ENUMERATED IN P.C. § 1181 (SEE EG. PEOPLE V. SAINZ,
253 CAL. APP. 2D 469, 500, 61 CAL RPTR. 176 (1967)),
NEW TRIALS ARE FREQUENTLY GRANTED ON NON-
STATUTORY GROUNDS WHERE FAILURE TO DO SO WOULD RESULT
IN A DENIAL OF A FAIR TRIAL TO A DEFENDANT IN A
CRIMINAL CASE. (PEOPLE V. DAVIS, 31 CAL. APP. 3D 106, 109
106 CAL. RPTR. 597 (1973)). THE DUTY OF A TRIAL COURT

NEW TRIAL POINTS AND AUTHORITIES 4/8/11
4/8

1 IS THE CONSTITUTIONAL DIMENSION, WHERE THE
2 PROCEEDURE HAS FALLEN SHORT OF THE STANDARD, AN
3 ACCUSED HAS BEEN DENIED DUE PROCESS, AND THE
4 INHERANT POWER OF THE COURT TO CORRECT MATTERS
5 BY GRANTING A NEW TRIAL TRANSCENDS STATUTORY
6 LIMITATIONS;

7 II.

8 DUGHS V. COPLAN 428 F.3d 317, 332 (1ST CIR. 2005) SEE ALSO MARSHALL
9 V. CATHAY, 428 F.3d 452, 465-71 (3RD CIR. 2005); ADAMS V.
10 BERTRAND 453 F.3d 428, 437 (7TH CIR. 2006); U.S. V. ROANNE 378
11 F.3d 382, 406 (4TH CIR. 2004); REMMER 347 U.S. AT 230; U.S. V.
12 SCHWARZ 283 F.3d 76, 98-99 (2ND CIR. 2002); U.S. V. LIBYD 269
13 F.3d 288, 243 (3RD CIR. 2001); U.S. V. SYLVESTER 143 F.3d 923, 933
14 (5TH CIR. 1998); U.S. V. FLAHERTY 295 F.3d 182, 202 (2ND CIR. 2002);
15 MARSHALL V. HENDRICKS 307 F.3d 36, 63-64 (3RD CIR. 2002); U.S. V.
16 ARMSTRONG; U.S. V. STOKES 124 F.3d 39, 45 (1ST CIR. 1997); MCMAHON V.
17 RICHARDSON 397, U.S. 759, 771 n.14 (1970); CHANDLER V. SULLIVAN
18 466 U.S. 335, 344-45 (1980); CHANDLER V. U.S., 218 F.3d 1305, 1314
19 (11TH CIR. 2000); U.S. V. RUSSELL 221 F.3d 615, 621-22 (4TH CIR. 2000);
20 STEWART V. WOLFENBARGER, 468 F.3d 338, 361 (6TH CIR. 2006); U.S. V.
21 LITRELL 439 F.3d 875, 833 (8TH CIR. 2006); U.S. V. SMITH 982 F.2d 681,
22 684 (1ST CIR. 1993); U.S. V. GARCIA-GUIZAR 160 F.3d 511, 520 (9TH CIR. 1998);
23 MASTACCHIO V. VOSE 274 F.3d 590, 602 (1ST CIR. 2002); SHIH WEI SU
24 V. FILION 335 F.3d 119, 127-30 (2^D CIR. 2003); BRADY V. Md., 373
25 U.S. 83 (1963); U.S. V. BRONN 426 F.3d 32, 37 (1ST CIR. 2005); U.S. V.
26 WILLIAMS 205 F.3d 23, 136 (2ND CIR. 2000); U.S. V. MEDRANO, 836 F.2d 861, 865
27 (5TH CIR. 1988) U.S. V. VAISETA 353 F.3d 815, 818 (7TH CIR. 2003); LAMBRIX V.
28 SINGLETARY 72, F.3d 1500, 1507-08 (11TH CIR. 1996)

1 THE LISTED FREE LAW RESEARCH IS BASED ON THE
2 DATA'S AVAILABLE THROUGH THE GEORGETOWN LAW
3 JOURNAL THAT IS AVAILABLE THROUGH THE LIBRARY
4 AT THE FACILITY I AM CURRENTLY HOUSED.

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DATE 3/8/11

RESPECTFULLY SUBMITTED
John Henry Wislensky Sr.
JOHN HENRY WISLANSKY SR.
9500 EMMERDA
R.I. CA. 01759
PROPRIA PERSONA

NEW TRIAL POINTS AND RUTHERFORD 48 X ZC

THE HONORABLE JUDGE JOHN TEMBERLIN

SUPERIOR COURT OF CALIFORNIA
SAN BERNARDINO COUNTY

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PEOPLE OF THE STATE
OF CALIFORNIA
PLAINTIFF

CASE NO. FVI 900518

NOTICE OF MOTION
FOR NEW TRIAL

V.
JOHN HENRY KIBLANSKY SR.
DEFENDANT

PEN. CODE § 1181
DATE: APRIL 8, 2011
TIME: 8:30 A.M.
DEPT.: VZ

TO THE DISTRICT ATTORNEY OF SAN BERNARDINO COUNTY AND JOHN THOMAS (PROSECUTING DISTRICT ATTORNEY) THE REPRESENTATIVE OF THE PEOPLE OF THE STATE OF CALIFORNIA

PLEASE TAKE NOTICE THAT ON APRIL 8, 2011, AT THE HOUR OF 8:30 AM OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD IN THE COURTROOM OF THE ABOVE ENTITLED COURT, THE DEFENDANT WILL APPEAR FOR AN ORDER GRANTING A NEW TRIAL IN THE ABOVE-ENTITLED CASE.

SUMMARY OF CASE

THIS IS A CASE OF MURDER THAT IS 25 YEARS OLD, 1/4 OF A CENTURY, THAT THE MAJORITY OF DETECTIVES, INVESTIGATORS WERE AND ARE NOW UNLOCKABLE OR HAVE PASSED AWAY, THEREBY VIOLATING THE DEFENDANT'S RIGHT TO DEFEND HIMSELF BY CONSTITUTIONAL LAWS. THE CONSTITUTION IS SO CLEAR OF RIGHTS THAT ARE DUE TO ALL AMERICAN CITIZENS THAT CHOOSE TO ENJOY THE PRIVILEGES OF FAIR, UNBIASED AND NONPREJUDICIAL TRIALS BY A JURY OF HIS FELLOW CITIZENS THAT TOO ARE NOT TO BE BIASED OR PREJUDICED.

NEW TRIAL

48 X 21

1 THIS MOTION WILL BE BASED ON SEVERAL GROUNDS
2 THAT CAN BE PROVEN THROUGH DISCOVERY, DEFENDANTS
3 MOTIONS, TRIAL TRANSCRIPTS, MOTION TRANSCRIPTS, AND
4 EXCULPATORY EVIDENCES. THIS MOTION WILL INCLUDE ACTS
5 OF INEFFECTIVE COUNSEL, PROSECUTORIAL MISCONDUCT,
6 OBSTRUCTION OF JUSTICE, JURY MISCONDUCT, JURY
7 TRAINING, PRESUDICIAL MISCONDUCT OF THE PROSECUTOR,
8 AND JUDICIAL BIASED AND PRESUDICIAL MISCONDUCT.

9
10 I.

11 THROUGH OUT THE ENTIRE REPRESENTATION BY DAVID
12 SANDERS ATTORNEY AT LAW I HAVE BEGGED TO DISCUSS
13 THIS CASE, THE WEIGHTS OF EVIDENCES, WITNESSES,
14 EVIDENCES, MOTIONS FOR TRIAL PROPORITION, AND
15 THE RELEASE OF "ALL" EXCULPATORY EVIDENCES.

16 I BELIEVE THIS MAN INTENTIONALLY MISREPRE-
17 SENTED ME WITH EXTREME BIASED AND CONSPIRATORIAL
18 BEHAVIOR TO STOP HIS FURTHER REPRESENTATION.

19 FROM THE VERY BEGINNING I REQUESTED
20 AND FILED FOR EVIDENCES, RECORDS, EXHIBITS, AND
21 FORENSIC INVESTIGATION, I ASKED FOR RECORDS AND
22 EVIDENCE, AND ASKED HIM WHAT HAS HE RECEIVED FROM THE
23 PROSECUTOR. BRADY V. MD 373 U.S. 83 (1963) THE CONSTITUTIONAL
24 DOCTRINE AND FEDERAL RULES GOVERNING DISCOVERY, INCLUDING
25 BRADY V. MARYLAND ARE DISCUSSED IN DISCOVERY AND ACCESS TO EVIDENCE.
26 SEE ALSO U.S. V. ARMSTRONG (THE DEFENDANT IS ENTITLED TO
DISCOVERY TO HELP PROVE A SELECTIVE PROSECUTION CLAIM).

27 IN NOT PROVIDING THESE EVIDENCES THIS ATTORNEY DAVID
28 SANDERS DISPLAYED ACTS OF PREJUDICIAL BEHAVIOR AND

NEW TRIAL
?

48 X 22

1 INEFFECTIVENESS OF HIS ABILITY TO REPRESENT THE
2 DEFENDANT IN THIS CASE. *McMANN V. RICHARDSON* 397 U.S.
3 759, 771 A.14 (1970) RIGHT TO EFFECTIVE COUNSEL APPLIED
4 TO BOTH RETAINED AND APPOINTED COUNSEL.

5 THIS ATTORNEY DALE SANDERS HAS DISPLAYED SEVERAL
6 ACTS OF DISHONESTY AND PREJUDICIAL BEHAVIOR THROUGHOUT
7 HIS ENTIRE REPRESENTATION. DURING HIS MOTION FOR 995
8 MOTION OF DISMISSAL HEARING, BEFORE Hon. JUDGE NIKKITA IN
9 DEPT. 3, MR. SANDERS EVEN AFTER PREPARING AND PRESENTING
10 HIS 995 MOTION, DID NOT WANT IT HEARD AND EVEN
11 CONSPIRED WITH THE PROSECUTION IN FRONT OF THE JUDGE AND
12 ON THE RECORD THAT HE DIDN'T WANT TO HEAR THE MOTION
13 AND ONLY WANTED TO SET TRIAL DATES. IT WAS THE JUDGE
14 THAT MADE BOTH ATTORNEYS HEAR HIS DECISION, SINCE HE
15 HAD REVIEWED THE DOCUMENT. THE JUDGE FOUND THERE WAS
16 INSUFFICIENT EVIDENCES AT THAT TIME TO PROSECUTE
17 THE DEFENDANT ACCORDING TO THE DOCUMENTS HE HAD
18 RECEIVED. AT THAT TIME BOTH THE DEFENSE COUNSEL AND
19 PROSECUTING ATTORNEY WERE WILLING TO STIPULATE THAT
20 THESE EVIDENCES DID EXIST. THE JUDGE THEN GAVE THE
21 D.A. 1 1/2 HOURS TO PRODUCE SUCH EVIDENCES.

22 THIS BEHAVIOR ON THE DEFENSES COUNSEL DISPLAYED
23 HIS OBLIGATORY DUTIES "TO THE PROSECUTION" RATHER THAN HIS
24 CLIENT,

25 ON A SEPERASE MATTER, ATTORNEY DALE SANDERS FAILED TO
26 PROPERLY NOTIFY THE ATTORNEY GENERAL OF N. MEXICO TO
27 RECUSE THE DISTRICT ATTORNEY AL. MICHAEL R. RAMES AND HIS
28 ENTIRE OFFICE FROM THIS CASE, DENIVING THE DEFENDANT TO
HAVE THIS MOTION FAIRLY HEARD BY "ALL" PARTIES.

NEW TRIAL
2

48 X. 23

1 THIS MOTION WAS UNTIMELY AND SUBSTANTIAL AND
2 UNPROFESSIONALLY PRESENTED, ENDANGERING THE FAIRNESS
3 OF THIS MOTION TO BE HEARD BY OUTSIDE PARTIES, OTHER
4 THAN THIS COUNTY'S REPRESENTATIVES. THIS MOTION WAS
5 BASED ON DISTRICT ATTORNEY MICHAEL R. SANDERS' MISCONDUCT
6 IN USING INFORMATIONS AND FACTS ABOUT THIS CASE ON
7 HIS REELECTION CAMPAIGN FLIER, WHICH 3 SEPERATE
8 COPIES WERE MAILED TO THE GREATER POPULATION OF
9 THIS COUNTIES REGISTERED VOTERS, THEREBY CONTAMINATING
10 MY ENTIRE JURY POOL. 40 DAYS TO THE DEFENDANTS TRIAL.
11 U.S. V. SYLVESTER 143 3rd 923, 933 (5th Cir. 1998) ABUSE OF
12 DISCRETION TO CONDUCT INQUIRY INTO POSSIBLE JURY TAMPERING,
13 SEE ALSO CHANDLER V. U.S. 218 F.3d 1305, 1314 (11th Cir. 2000)
14 PRESUMPTION OF COUNSELS EFFECTIVENESS AND PETITIONERS BURDEN
15 OF PERSUASION TO REBUT PRESUMPTION IS VERY HIGH.
16 6th AMENDMENT OF THE UNITED STATES CONSTITUTION GUARANTEES
17 A. DEFENDANT TO EFFECTIVE REPRESENTATION BY COUNSEL.

18 DURING THE TRIAL, ATTORNEY SANDERS FAILED TO INFORM
19 HIS DEFENDANT ABOUT THE GRAVITY OR THE LEVEL OF EVIDENCES
20 HE CLAIMING ~~THE~~ DISTRICT ATTORNEY HAD JUST PRESENTED TO
21 HIM. AN IDENTICAL CASE AND THE LEVEL OF COMPLEXITY
22 AND SIMILARITY. A IVETIP CALL THAT HE MENTIONED
23 IN AN EXTREMELY VAGUE MANNER, FAILING TO QUESTION
24 PROSECUTING WITNESSES OR OBJECTING TO FALSE TESTIMONY.

25 MR. SANDERS FAILED TO INTERVIEW WITNESSES I HAD
26 GIVEN HIM NAMES OF, STATING HE HAD NO IDEA WHAT THEY
27 COULD OFFER. HE FAILED TO RETRIEVE DOCUMENTS
28 THAT WOULD HAVE UNDERMINED THE PROSECUTING WITNESSES'
29 WITH REFERENCE TO THE DEFENDANTS PREVIOUS DEFENSE,
30 THEREBY NOT ALLOWING HIS CLIENT TO SEEM HIMSELF.

NEUTRAL

48 X 24

1 THE WE-TIP RECORD WAS OF EXTREME LIKELINESS,
2 THAT THE CALLER MENTIONED "WILLIAM BACKOFF" AS HIS
3 TRUE AND NATURAL NAME, THE NAME OF THE ALLEGED
4 VICTIM, AND THE CIRCUMSTANCES OF WILLIAM BACKOFF'S
5 ARRANGEMENTS WITH THE VICTIM OF THE CASE. THAT
6 HE'D MET HER AT A BAR AND WENT HOME WITH HER.

7 THAT HE CONFESSED TO THIS PERSON (W.E.T.H. CALLED)
8 THAT THE VICTIM OF THIS CASE, JESSIE HAY, SAYING TO
9 WILLIAM BACKOFF THAT SHE WAS SEXUALLY TURNED OFF
10 BY HIM, UPSETTING WILLIAM BACKOFF TO THE POINT
11 HE STRANGLERED HER TILL SHE TURNED BLACK, THEN
12 MUTILATED HER BODY, MUST SEE CRIME SCENE PHOTOS.

13 ALL THIS BEING LIKELY TRUE SINCE WILLIAM
14 BACKOFF (CODE NAME) HAD IN FACT BEEN A PRIME SUSPECT
15 AROUND THE TIME THE INVESTIGATION WAS BEING DONE.

16 SINCE WILLIAM BACKOFF DIDN'T MATCH THE
17 BLOOD FOUND AT THE SCENE (WHICH LATER TURNED OUT TO
18 BE THE VICTIM'S BLOOD) WAS DISCARDED AS A SUSPECT,
19 ALONG WITH THE OTHER 15 SUSPECTS THAT WEREN'T MATCHED
20 TO THE BLOOD RELATINGS FOUND AT THE SCENE.

21 HAD THE DEFENDANT KNOWN THE TRUTH ABOUT THE
22 ENTIRETY OF THIS WE-TIP DOCUMENT IT WOULD HAVE
23 PROVIDED FURTHER INVESTIGATIONS.

24 SINCE THE DETECTIVE CHARGED THAT THE CALLER WAS
25 ASSIGNED TO INVESTIGATE DIDN'T IMMEDIATELY
26 REVEAL HIM BY THE TIME FURTHER FOLLOW UPS
27 ON THE VALIDITY OF THE CALL TO VERIFY FACTS OR
28 POSSIBILITIES -- W. BACKOFF WAS FOUND THAT HE HAD

48 X 25

1 ACTUALLY COMMITTED SUICIDE IN HIS HOME,
2 THEREBY ELIMINATING THE DEFENDANT'S ABILITY
3 TO PROPERLY PRESENT A DEFENSE. THE POSSIBILITY THAT
4 A CONFESSION ON HIS DYING BED HAD INVADED THE
5 DEFENDANT'S CONSTITUTIONAL RIGHT OF HIS 6TH AMENDMENT
6 DENNELLY V. UNITED STATES (227 U.S. 1) 11 SUP. CT 449.
7 ALSO SEE WIGMORES WORK ON EVIDENCE, VOL 2 (1476 1477
8 (CHAPTER XLVI OF 2 WIGMORES EVIDENCE).
9 THIS PRINCIPLE WAS NOT ESTABLISHED IN ENGLAND UNTIL 1844,
10 AND IN CERTAIN CASES THEREAFTER, THE RULE WAS NOT CONFINED
11 WITHIN THIS LIMITS (2 WIGMORE EVIDENCE, 1476; HULEPS TRIAL
12 E HOW ST 1185 1192; POWELL V. HARBER, 5 C. AND P. 590;
13 LESSEE OF CLYMER V. LITLER 1 WM. BLACK, 345)

14 THEREBY INDICATING THAT THE LIKELINESS OF A CONFESS-
15 ION ON A DEATH BED SHOULD BE CONSIDERED, AND THE
16 PROBABITIVE VALUE OF SUCH EXTRINSIC CIRCUMSTANCES NEED
17 LIE WITHIN THE BOUNDARIES OF LIKELY SUSPECTS, THEREFORE
18 ALLOWING FUTURE SUSPECT TO PRESENT THIS INFORMATION
19 TO A JURY TO WEIGH ITS VALUES IN NATURE, DENYING
20 THIS FACT PREVENTS THE DEFENDANTS FROM PROPERLY
21 DEFENDING THEMSELVES.

22 THE FACT THAT THIS CONFESSION WAS 3 YEARS
23 AFTER THE ACTUAL ALLEGED MURDER, THEN WITHIN
24 MONTHS OR DAYS OF THE CONFESSION, THE CONFESSOR
25 COMITS SUICIDE, LIKELY TAKING THE TRUTH TO THE
26 GRAVE. ADAMS V. BERTRAND 453 F.3d 428, 437 (7TH
27 CIR. 2006) FAILURE TO INVESTIGATE COULD HAVE PRODUCED
28 PIVOTAL WITNESSES SEE ALSO DUGAS V. COPPIN 428 F.3d 317, 332
(1ST C.R. 2005) SEE ALSO STEWART V. WOLFENBARGER 418 F.3d
338, 361 (6TH C.R. 2006)

48 X 26

NEW TRIAL

1 DAVE SANDERS' POOR AND LACK OF INVESTIGATIONS
2 OR EVEN QUESTION WITNESSES ON THE STAND OR EVEN POINT
3 OUT ILLEGAL FACTS ABOUT THE PROSECUTORS EVIDENCES
4 WAS AN EAGER EXCUSE FOR REPRESENTATION.

5 AT TIMES STATING "I KNOW THE ANSWERS" OR
6 "I CAN'T ASK THESE QUESTIONS". THEN FINALLY
7 WHEN DAVE SANDERS ANNOUNCED "DEFENSE RESTS"
8 HE DID SO JUST MOMENTS AFTER HE TOLD ME I
9 HAD 3 DAYS TO DECIDE IF I WOULD TAKE THE
10 STAND. THEREBY MY ATTORNEY CHEATED ME OUT OF
11 MY RIGHT TO DEFEND MYSELF.

12 HIS DECISION TO NOT MAKE AN OPENING STATEMENT
13 AND NOT INVESTIGATE THIS CASE, NOT PRESENT / RESUMPT
14 OR EVIDENCE, WAS A FRIVOLOUS EXCUSE OF A DEFENSE
15 STRATEGY THEREBY DISPLAYING NUMEROUS ACTS
16 AND SIGNS OF INEFFECTIVE COUNSEL, AND CONSPIRATORY ACTS.
17 U.S. V. ARMSTRONG, MICHAEL V. RICHARDSON, CULLEN V.
18 SULLIVAN, CHANDLER V. U.S., U.S. V. RUSSELL, STENNIS V.
19 WELLSBERGER, DUGAS V. COPLAN, MARSHALL V. CATHEL,
20 NORTON V. BENTLEY, U.S. V. ROANE

21 II.

22 FROM JUST PRIOR TO MY TRIAL IN JANUARY
23 OF 2001, THE COUNTY DISTRICT ATTORNEY HAS PERFORMED
24 SEVERAL ACTS OF PROSECUTORIAL MISCONDUCT WITH RESPECT
25 TO MY CASE INCLUDING HISSELF AND OTHERS INTO THE
26 RHELMS OF OBSTRUCTION OF JUSTICE, AND JURY TAMPERING
27 WHILE HE UTILIZED MY BOND AS HIS SPRINGBOARD INTO
28 HIS RE-ELECTION CAMPAIGN.

11/24/2002
-1-
48X 27

1 ON OR ABOUT MAY 19, 2009 MICHAEL R. KRAMER PLACED
2 SUGGESTIVE COMMENTS AS WELL DEFINING PHOTO GRAPHS
3 ONTO ALL OF HIS RE-ELECTION CAMPAIGNING ADVERTISEMENT
4 AS FLIERS THAT WAS MAILED AS MANY AS 3 TIMES
5 TO EACH INDIVIDUAL REGISTERED VOTERS RESIDENTIAL
6 ADDRESSES, JUST OVER 40 DAYS TIL A SCHEDULED
7 TRIAL OF JULY 2009 FOR JOHN MARLONSKY,

8 BEING THE PROSECUTING DISTRICT ATTORNEY HE IS NOT
9 TO UTILIZE MY NAME OR INCIDENTS AHEAD MY CASE
10 OUTSIDE OF HIS PROSECUTORIAL RESPONSIBILITIES TO
11 THE PUBLIC OF SAN BERNARDINO. OF HIS OBLIGATION
12 TO TRY AND PROSECUTE CASES WITHIN HIS ASSIGNED
13 COURTS, THEREFORE POSTING MY PHOTO AND MY CASE ON
14 HIS RE-ELECTION FLIERS, HAD NEGLIGENTLY INJECTED
15 INFORMATION TO MY PROPOSED POOL OF JURORS.

16 THE FURTHER ACT OF PROSECUTORIAL MISCONDUCT
17 HAD LED TO MY TRIAL BEING CANCELLED AND THEREBY
18 VIOLATING MY RIGHT TO A SPEEDY TRIAL OF NON
19 BIAS OR PREJUDICIAL JURORS TO MY 6TH
20 AMENDMENT OF THE U.S. CONSTITUTION OF THE
21 UNITED STATES WAS VIOLATED. 14TH AMENDMENT SEC. 1,
22 14TH AMENDMENT SEC. 3, SEE ALSO U.S. V. CHATHANDRA 230 F.3D
23 1237, 1251 (10TH CIR. 2000), REIMER V. U.S. 347, U.S. 227, 229
24 (1954) ALSO U.S. V. BOYLAN 829, F.3D 230, 261 (1ST CIR. 1990)
BUCKLEY 509 U.S. AT 272, CRUZ V. KAUAI COUNTY
25 U.S. V. STOKES 124 F.3D 39, 45 (11TH CIR. 1997) IT IS
26 HORNBYBROOK LAW THAT A FEDERAL COURT MAY DISMISS ALL
27 INDICTMENT IF THE ACCUSED PRODUCES EVIDENCE OF
28 ACTUAL PROSECUTORIAL VINDICTIVENESS SUFFICIENT TO

NEW TRIAL

48X 28

1 ESTABLISH DUE PROCESS VIOLATION OR EVEN LIKELINESS OF
2 VENICTION TO SUFFICIENTLY JUSTIFY PRESUMPTION.

3 THE PROSECUTOR JOHN THOMAS DURING HIS OPENING
4 STATEMENT IMPLIED TO THE PANEL OF JURORS THAT "HIS
5 INTENTION WHILE THE DEFENDANT TOOK THE STAND"
6 DURING TESTIMONY. THIS STATEMENT IMPLIED TO THE
7 JURY THAT THE DEFENDANT WAS IN FACT GOING TO
8 TAKE THE STAND, THERE BY VIOLATING MY FIFTH
9 AMENDMENT OF THE CONSTITUTION, WHICH WHEN THE
10 DEFENDANT CHOSE TO EXERCISE HIS RIGHTS, TO NOT
11 TESTIFY, PREJUDICED THE JURY BY THE DISTRICT ATTORNEY'S
12 OPENING STATEMENT LEAD THE JURY TO EXPECT A
13 TESTIMONY FROM THE DEFENDANT.

14 U.S. V. FLAHERTY 299 F.3D 182,202 (2ND CIR. 2002) COURT
15 CONSIDER WHETHER PROSECUTOR REMARKS IMPROPER INFECTED TRIAL
16 WITH UNFAIRNESS THEREBY VIOLATING DEFENDANT'S DUE PROCESS.

17 DURING A PRESENTATION OF THE PROSECUTION'S EVIDENCES,
18 JOHN THOMAS (DISTRICT ATTORNEY) DISPLAYED FOR THE JURY
19 AN ALTERED AUDIO RECORDINGS OF THE INTERROGATION
20 THAT HAD WORDS THAT WERE MISREPRESENTED, ALTERED,
21 OR ERASED. THIS ALTERATION OF THIS INTERROGATION
22 PREJUDICED THE JURY AND IN SOME WAY VIOLATED
23 THE DEFENDANT RIGHTS. THERE ARE 23 PAGES THAT
24 WERE MISSING FROM THE ENTIRE INTERROGATION.

25 THIS WAS DONE IN ORDER TO PRESENT THE
26 DEFENDANT IN A NEGATIVE MANNER THAT
27 MISPRESENTED EVIDENCES TO THE JURY. ONCE THE
28 RECORDING HAD BEEN INTERPOLATED AND DISPLAYED TO

NEW TRIAL

48X 29

1 THE JURY, THIS ACT WAS AN AGGRESSIVE ATTACK AGAINST
2 THE DEFENDANT RIGHTS AS WELL AS OBSTRUCTION OF
3 JUSTICE. ALTERED OR CONTAMINATED EVIDENCES THAT ARE
4 LIKELY TO PREJUDICE JUROR IS A VICENT VIOLATION
5 OF WHAT OUR CONSTITUTION STANDS FOR.

6 U.S. V. BOYLAN 898, F.2d 230, 261 (1st Cir. 1990) PRESUMPTION
7 OF PREJUDICE APPLICABLE ONLY WHEN THIRD PARTY PRESENTS
8 OBVIOUS TAMPERING OF THIRD PARTY COMMUNICATIONS
9 WHICH DIRECTLY INJECTS ITSELF INTO THE JURY PROCESS

10 42 US § 1001 OBSTRUCTION OF JUSTICE.

11 JOHN THOMAS PUT DETECTIVE ALEXANDER ON
12 THE STAND TO TESTIFY FOR THE PROSECUTIONS OF
13 THIS CASE. WHILE UNDER THE OATH OF AUTHORITY AND
14 UNDER OATH, DETECTIVE ALEXANDER TESTIFIED HE
15 HAD GOTTEN TO SEE ALL THE EVIDENCES IN THIS
16 CASE, THEN TESTIFIED HE DIDN'T RECEIVE A POLICE
17 CRIME SCENE REPORT OF FINGER PRINTS RECEIVED
18 FROM A LABRATORY, INDICATING WHAT PRINTS WERE
19 IN FACT FOUND AT THE SCENE OF THE CRIME, AND
20 SPECIFICALLY A DRINKING CUP FOUND IN THE KITCHEN
21 ON THE COUNTER. THIS CUP CONTAINED A PRINT LIFTING
22 THAT BELONGED TO A PERSON BY THE NAME OF
23 JOE SAUNDERS. THERE WAS ALSO A POLICE REPORT
24 FROM JOE SAUNDERS STATING HE WAS IN FACT AT
25 THIS ADDRESS. BY DETECTIVE ALEXANDER LYING ABOUT
26 THIS FINGER PRINT REPORT, PREJUDICED THE JURORS
27 ABOUT WHO IN FACT WAS AT THE CRIME SCENE.

28 SINCE THE PROSECUTOR DID NOT OBJECT TO THIS

NEW TRIAL

101

48 X 30

1 LIE BEING TOLD BY HIS INVESTIGATOR, HIS ARRESTING
2 OFFICER, AND A PERSON UNDER THE CLOTH OF AUTHORITY
3 HE CONSPIRED ALONG WITH THE DETECTIVE KRASANDER
4 TO INFLUENCE THE JURY WITH FALSE TESTIMONY AND
5 EVIDENCE TAMPERING.

6 MASTRACCHIO V. VOSE 274, F.3d 590,602 (1st Cir. 2002)
7 PROSECUTOR'S FAILURE TO CORRECT WITNESSES FALSE TESTIMONY
8 WAS IMPROPER BECAUSE PROSECUTOR KNEW STATEMENT WAS FALSE. SEE ALSO
9 SHIHWEI SU V. FILION 335, F.3d 119,127-30 (2nd Cir. 2003).
10 PROSECUTOR FAILURE TO CORRECT WITNESSES FALSE TESTIMONY AND
11 SUBSEQUENTLY ATTEMPT TO BOLSTER WIT'S CREDIBILITY IMPROPER AND
12 VIOLATED DEFENDANT'S DUE PROCESS.

13 THE PROSECUTOR CALLED WITNESSES THAT TESTIFIED
14 THAT THEY WERE IN FACT COACHED AS TO WHAT TO SAY JUST
15 4 DAYS PRIOR TO THEIR TESTIMONIES ON THE STAND AND
16 UNDER OATH. THESE WITNESSES TESTIFIED IN DIFFERENT
17 MANNERS AS WHAT THEIR ORIGINAL STATEMENTS WERE MADE
18 25 YEARS PRIOR, WHEN THEY WERE FIRST QUESTIONED.

19 PRIMARILY, THE ALLEGED VICTIMS DESTINATION AFTER
20 HER DRINKING PARTY WITH BRUCE NASH, JOHN SULLIVAN
21 JOE SAUNDERS, FRANCESCA DRAKE, AND CYNTHIA (VISHI'S GIRL
22 FRIEND) AND RITA COBB. POLICE REPORTS STATE SHE WAS
23 HEADED TO A BAR AFTER THE PARTY, WHILE THEIR
24 TESTIMONY WAS AGAIN COACHED TO STATE SHE WAS TO
25 GO HOME AFTER THE PARTY. WHILE JOHN SULLIVAN
26 TESTIFIED AIR MASK GAVE RITA A RIDE HOME WITH NASH,
27 STATED SHE DROVE BY HERSELF, THEN CYNTHIA TESTIFIED
28 THAT RITA SAID SHE WAS GOING TO A BARR. RESEMBLES
29 WILLIAM BUCKHOFFS CONFESSION WAS HE MET RITA COBB AT
30 A BAR THAT WITH HE PLEDGED TO KILL AND MUTILATE HER.

REINTEGRAL 48X3/

1 ALL OF THESE STATEMENTS, BECAUSE THEY WERE
2 IN FACT COINED PREVIOUSLY TO TESTIMONY HAD MISLED
3 THE TRUTHS FROM THE JURY, SINCE THE JUDGE WOULDN'T
4 ALLOW POLICE REPORTS TO THE DEFENSE TO UTILIZE
5 WITH THESE WITNESSES AS REFERENCES, REFRESHERS
6 OF MEMORY BUT CERTAINLY NOT COACHING OF LIES
7 AND DECEPTAL TESTIMONY, THIS ACT PREJUDICED THE
8 JURY BEYOND COMPREHENSION. THE WITNESS SULLIVAN EVEN
9 ARGUED WITH THE D.A.'S TO WHAT HE REMEMBERED.
10 MASTRACCHIO V. VOGS 274 F.3d 576 612 (1ST CIR. 2002)
11 SHIHNEI SU W. FILON 335 F.3d 119, 127-30 (2ND CIR. 2003)
12 DURING THE VOIR DIRE PROCESS 4 OF THE JURORS
13 RECOGNIZED AND REMEMBERED RECEIVING THE DISTRICT ATTORNEY
14 RE-ELECTION FLIER, THAT IS 4 OUT OF THE 30 SELECTED.

15 IT WOULD STAND TO BELIEVE THAT ONLY 4 PERSONS WERE
16 HONEST ENOUGH TO ADMIT THE FLIER WAS SENT TO THEM WHEN
17 IT STANDS TO BELIEVE THAT THE DISTRICT ATTORNEY'S MAILINGS
18 WERE DONE THROUGH ENTIRE COMMUNITIES AND NOT JUST
19 SPOT DUSTING THE SCATTERED COMMUNITIES TO REGAIN VOTES
20 FOR HIS RE-ELECTION. THE POOL OF JURORS WAS TO BE UNDER
21 STOOD AS PREJUDICIAL BECAUSE OF THE FLIERS, AND EVEN THE
22 JURORS ADMITTED THAT THERE WAS AN EXPECTANCY OF
23 THEIR COUNTY REPRESENTATIVES IN TEASING, THAT THERE WOULD
24 BE SOME PROOFS OR ENOUGH PROOFS IN ORDER TO RECUSE
25 AND CHARGE A PERSON OF MISFEASOR IN OFFICIALS.

26 THEREBY THIS INJECTION OF INFORMATION INTO A POOL OF
27 JURORS DID IN FACT CONTAMINATE THE DEFENDANT'S RIGHT
28 TO AN IMPARTIAL OR PREJUDICIAL JURY.

NEUTRAL

48X32

1 DURING THE PROSECUTIONS PRESENTATION OF
2 WITNESSES, ONE FRANCESCA DENKE/SULLIVAN WAS
3 RECOGNIZED BY THE JURY MEMBER NUMBER #12,
4 FROM WORKING WITH HER. THE DA AS WELL AS
5 THE DEFENDANTS COUNSEL HAD AGREED TO ALLOW
6 THE JURY TO STAY ON THE PREMISES, EVEN WHEN
7 THE LIKELINESS OF BIASED BEHAVIOR WAS EVIDENT.
8 THIS OVERSIGHT VIOLATED THE DEFENDANTS 6TH AMENDMENT
9 OF THE CONSTITUTION.

10 THROUGHOUT THE PROSECUTIONS PRESENTATION HE
11 CONTINUALLY MADE DIRASGATORY STATEMENTS ABOUT THE
12 DEFENDANTS STATUS OF GUILT OR INNOCENCE. HE HAD
13 CONTINUALLY SAID THAT THE DEFENDANT JOHN
14 YABLONSKY WAS A LIAR AND WAS GUILTY, THEREBY
15 EXPRESSING HIS BELIEFS RATHER THAN PRESENTING
16 THE EVIDENCES AND LETTING THE JURY MAKE THEIR
17 OWN DECISIONS AS TO THE DEFENDANTS GUILT,
18 AND ONLY THROUGH EVIDENCES AND NOT OPINIONS OR
19 BELIEFS. U.S. V. STAKES 124 F.3d 39,43 (1ST CIR. 1997) ALSO U.S.
20 V. FLAHERTY 295 F.3d 182, 202 (2ND CIR. 2002); MARSHALL V.
21 HENDRICKS 307 F.3d 36, 63-64 (3RD CIR. 2004) U.S. V. LITRELL
22 439 F.3d 875, 833 (8TH CIR. 2006) U.S. V. SMITH 982 F.2d 681, 684
23 (1ST CIR. 1993) BOYD V. FRENCH 147 F.3d 319, 327-29 (4TH CIR. 1998)
24 U.S. V. GARCIA-GUIZAR 160 F.3d 511, 520 (1ST CIR. 1998)
25 MINSTRACCHIO V. VOSE 211 F.3d 590, 602 (1ST CIR. 2002) SHIH WAI SU V.
26 FILICINI 335 F.3d 119, 127-30 (2ND CIR. 2003) BRADY V. MIA 373
27 U.S. 83 (1963).

28 11

48-33

III.

1 DURING THE VOIR DOIRE PROCESS WITH
 2 THE JURY SELECTION, ALL OF THE SEQUESTERED JURORS
 3 THAT WERE SELECTED TO BE QUESTIONED WERE ASKED
 4 ABOUT A RE-ELECTION FLIER THAT WAS MAILED TO
 5 THE COUNTY'S REGISTERED VOTERS, OF THE 30
 6 MEMBERS SELECTED. 4 HAD ADMITTED TO RECEIVING
 7 A COPY OF THE FLIER, THEN STATED THEY IN FACT
 8 COULD SIT THROUGH THIS TRIAL AS NON BIASED OR
 9 PREJUDICED MEMBERS OF THIS JURY, WHILE THAT LEFT
 10 26 OF THE JURORS THAT WERE LIKELY TO HAVE BEEN
 11 INFLUENCED IN A NEGATIVE MANNER (FORMING PREJUDICIAL
 12 OPINIONS OF THIS DEFENDANT AND THIS CASE.

13 AFTER 3 DAYS OF DELIBERATION, THE JURY ANNOUNCED
 14 THAT THEY WERE HOPELESSLY DEADLOCKED, EVEN AFTER
 15 THE JUDGE ASKED WERE THEY SURE. THE JURY WAS
 16 ASKED TO RETURN FOR 30 MORE MINUTES THE FOLLOWING
 17 DAY, JUST 30 MINUTES TO DELIBERATE, AFTER AGREEING
 18 THE JURY FORESMAN MADE A STATEMENT THAT THEY
 19 "WE'LL GET THE JOB DONE YOUR HONOR", LEAVING
 20 THE JURORS TO BE FURTHER PREJUDICED AND LED TO
 21 UNDERSTAND THAT THERE WAS IN FACT AN OBLIGATION
 22 TO THE COURTS OTHER THAN VOTING THEIR OWN INDIVIDUAL
 23 OPINIONS.

24 THE NEXT DAY THE JURY WAS FORCED
 25 TO DELIBERATE FOR 14 TIMES LONGER THAN THEY
 26 ORIGINALLY AGREED TO THE PREVIOUS DAY.

27 U.S. V. BRONN, 426 F.3d 52, 37 (1st Cir. 2005) U.S. V. WILLIAMS 209
 28 F.3d 23, 36 (2d Cir. 2000) U.S. V. MEDRANO 836 F.3d, 861, 865 (5th Cir. 1988)
 U.S. V. VANCE 833 F.3d 215, 18 (7th Cir. 2003) LANSBURY V. SHAWBERRY 72
 F.3d 1500, 307-08 (11th Cir. 1999), U.S. V. BURTON, SHAW, & MORRIS.

MAINTENANCE
 14

48 X 34

IV,

1 THERE WERE SEVERAL MOTIONS THAT WERE DENIED
2 THROUGHOUT THIS TRIAL THAT WOULD HAVE PRESENTED THE
3 DEFENDANTS RIGHTS TO NOT BE VIOLATED, AND TO NOT
4 PRESUDICE THE JURY BY THE INADMISSABILITY OF SEVERAL
5 EVIDENCES. THAT THE DEFENSE NEEDED TO PRESENT BEFORE
6 THIS PANEL OF JURORS.

7 THE DENIAL TO RECUSE THE DISTRICT ATTORNEY
8 ALLOWED VINDICTIVE AND PREJUDICED PROSECUTING ATTORNEYS
9 TO TRY THIS CASE, ALLOWING THE JURY TRIAL TO PROCEED UNDER
10 UNDER EXTRINSIC CONDITIONS. THE DEFENSE ATTORNEY STATED
11 THAT A CHAMBERS MOTION TO CHANGE VENUE WAS ALSO
12 DENIED, IN DOING SO ALLOWED THIS DEFENDANT TO BE
13 TRIED BY AN UNFAIR, BIASED AND PREJUDICED PROSECUTOR
14 AS WELL AS JURY PANEL.

15 U.S. V. SCHWARTZ 283 F.3d 761, 98-49 (2ND CIR 2002) ABUSE
16 OF DISCRETION TO HOLD HEARING, REGARDING ALLEGATIONS OF JURY CONTACT
17 WITH EXTRINSIC INFORMATION BECAUSE SUCH INFORMATION LIKELY TO
18 PREJUDICE JURY.

19 REMEMBER 347 U.S. AT 230 TRIAL JUDGES ARE GIVEN BROAD
20 DISCRETION IN THEIR DECISION REGARDING EXTRINSIC INFLUENCE ON
21 THE JURY.

22 THE HONORABLE JUDGE JOHN TEMBERLIN BY NOT ALLOWING
23 POLICE REDDERS, OR SIMILAR OR IDENTICAL CRIME SCENE
24 EVIDENCES VIOLATED THE DUE PROCESS OF THE DEFENDANTS
25 RIGHT TO PRESENT A POSSIBLE DEFENSE. CASES THAT
26 MAY HAVE GIVEN THE JURY MEMBERS FURTHER UNDERSTANDING
27 OF THE PROSECUTOR'S PRESENTATION, BECAUSE THE EVIDENCES HE
28 PRESENTED WERE IN FACT SO WEAKE AND NON BINDING AS
29 FAR AS FACTUAL SUSPECT AND MOTIVE OF CRIME. EXPLICITLY
30 THE WETIP CALL DOCUMENT, STATING BECAUSE THE CALL
31 WAS MADE BY AN UNKNOWN CALLER AND THE INVESTIGATION

NEW TRIAL

4835 X34

1 OFFICER ASSIGNED TO THE CALL A DETECTIVE CARR
2 HAD PASSED AWAY, AS WELL AS THE SUSPECT AT THE
3 TIME "WILLIAM BACK OFF" HAD COMMITTED SUICIDE, VIOLATED
4 THE DEFENDANTS RIGHT TO PRESENT A DEFENSE, ALLOWING
5 THE JURY TO WEIGH ALL EVIDENCES, NOT JUST THE PREJUDICIAL
6 EVIDENCES AVAILABLE.

7 U.S. V. LLOYD 269 F.3d 288, 243 (3d Cir. 200) ABUSE OF DISCRETION TO
8 GRANT NEW TRIAL BECAUSE NO ADMISSABLE EVIDENCE THAT
9 JUROR EXPOSURE TO EXTRINSIC MATERIAL CREATED THE LIKELIHOOD
OF PREJUDICE.

10 WHEN THIS PANEL OF JURORS ANNOUNCE THAT THEY WERE
11 HOPELESSLY DEADLOCKED, AND THE JUDGE SUGGESTED THAT
12 THEY RETURN TO DELIBERATE FOR 30 MORE MINUTES
13 WAS AN ABSOLUTE ABUSE OF DISCRETION ON THE BEHALF
14 OF THE JUDGE. THESE JURORS EXPECTED AND COMPLIED TO
15 THE JUDGES ORDERS, SO WHEN THE SUGGESTION OF 30 MORE
16 MINUTES OF DELIBERATION WAS AGREED TO, THEN FORCED TO
17 DELIBERATE FOR 7 HOURS LONGER. 14 TIMES THE AGREED
18 AMOUNT OF TIME LED THE SEVERELY PREJUDICED JURORS
19 THAT THERE WAS AN OBLIGATION TO REACH A VERDICT.
20 HOW MANY TIMES ON THAT 4TH DAY DID THE JURY ASK
21 STATE THEY WERE DEADLOCKED - DID THE JUDGE SMOKE
22 THE COMMENT MADE BY THE JURY FOREMAN "WELL GET
23 THE JOB DONE YOUR HONOR" OR DID THE JUDGE CONSPIRE
24 TO IGNORE THE EVIDENCES OF A PREJUDICED PANEL OF
25 JURORS.

26 THE DEFENSE ATTORNEY STATED CONTINUALLY "THIS
27 JUDGE WILL NOT HEAR MY ACTIONS, OR ALLOW ANY EVIDENCES.
28 A JUDGE HAS OBLIGATIONS TO THE COMMUNITY AS WELL

NEW TRIAL
16

X 35 48-36

1 AS THE SURGEON AND ESPECIALLY TO THE DEFENDANTS IN
2 HIS COURTROOM, TO PROTECT THE RIGHTS OF THE DEFENDANTS
3 WISHING TO ENJOY CONSTITUTIONAL PROTECTIONS AND SOLIDITY
4 OF THE JUDICIAL SYSTEM, WHEN THIS OBLIGATION IS BIASED
5 AND RAN TO FIT "THEY'RE SPECIFIC DECORUM" RATHER THAN
6 THEIR OBLIGATORY DUTIES, IT IS THEIR FURTHER DUTY TO
7 GRANT MOTIONS TO NEW TRIALS, IF IN FACT THE MOTION TO
8 GRANT NEW TRIAL CARRIES PROBATIVE VALUES TO THE
9 PROTECTION OF THE RIGHTS OF THE DEFENDANTS INSIDE
10 HIS COURT ROOM. HIS OBLIGATION TO THE SOCIETY HE
11 REPRESENTS CARRIES VAST RESPONSIBILITIES AND CAN BECOME
12 TROUBLESOME AND EVEN EASILY CONFUSING, TO WHOM'S OBLIGATION
13 TO THE CONSTITUTION ARE MISINTERPRETED OR LEVELS OF VIOLATION
14 TO THAT CONSTITUTION BECOME QUESTIONABLY IDENTIFIABLES, AND
15 MISTAKES ARE MADE.

16 THERE WERE A GREAT DEAL OF RESPONSIBILITIES
17 TO THE CONSTITUTION THAT LEFT THE LEVY OF JUDICIAL
18 DECISIONING MISTAKEABLE AT THE TIME.

19 SHOULD THE COURT DETERMINE ACT TO GRANT A
20 NEW TRIAL, THE DEFENDANT WILL WAVE THAT, IN LIEU OF
21 ORDERING A NEW TRIAL, THE COURT FIND THE DEFENDANT
22 GUILTY OF A LESSER DEGREE OF THE CRIME OF WHICH
23 HE WAS CONVICTED, OR OF A LESSER CRIME INCLUDED THEREIN.

24 THIS MOTION WILL BE BASED ON THE NOTICE OF MOTION,
25 ON THE ATTACHED DECLARATION AND MEMORANDUM OF POINTS
26 AND AUTHORITIES SERVED AND FILED HEREWITH, ON SUCH
27 SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES AS
28 MAY HERE AFTER BE FILED WITH THE COURT OR STATED

NEW TRIAL
17

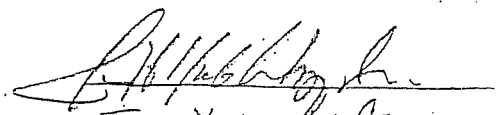
X 3648-51

1 ORALLY AT THE CONCLUSION OF THE HEARING ON THE
2 MOTION, ON ALL PAPERS AND RECORDS ON FILE IN THIS ACTION,
3 AND ON SUCH ORAL AND DOCUMENTARY EVIDENCE AS MAY
4 BE PRESENTED AT THE HEARING OF THE MOTION.

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DATE 3/8/11

RESPECTFULLY

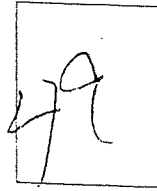


JOHN YABLONSKI SR.
9500 ETIWAANDA
R.I. CA. 91739
PROPRIA PERSONA

NEW TRIAL
18.

X 374838

EXHIBIT COVER PAGE G&G



DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

15-29186

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

96
16

1 DOREEN B. BOXER
Public Defender
2 LAURI FERGUSON
Assistant Public Defender, Main Unit
3 By: DAVID SANDERS
State Bar # 78021
4 Deputy Public Defender
14344 Cajon Ave. St. 201
5 Victorville, CA 92392
760-241-0413
6

7 *Attorney for Defendant, John Henry Yablonski*

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN BERNARDINO, DESERT DIVISION

11
12 PEOPLE OF THE STATE OF CALIFORNIA,
13 *Plaintiff,*
14
15 vs.
16 JOHN HENRY YABLONSKI
17 *Defendant.*

Case No.: FVI 900518
PROPOSED ORDER FOR
DISCOVERY

18
19 PLEASE TAKE NOTICE that after due consideration of the facts and the law **IT**
20 **IS ORDERED** that the District Attorney provide the following items of discovery to the
21 defendant as soon as possible but not later than the 15th of October, 2010.

- 22 1. All police reports, investigations and lab work completed during the
23 investigation of the death of Helen Brooks.
24 2. All notes and reports created in the investigation of and death of George
25 Randolph/William Backoff.
26 3. Any police reports regarding the death of Joseph Saunders.
27 4. All police reports of the investigation of the death of Meryl gibbs.
28

1 DICI @ LS (49-1)
Discovery Order, YABLONSKI (MI) 128

- 1 5. Complete criminal investigations regarding the deaths of Deeble, Belcher,
- 2 Gibbons, and Kreismanis.
- 3 6. Contact information for Sun Kye and Lori amaro.
- 4 7. Current contact information or death information regarding betty Ball, Audrey
- 5 Scroggins, John Sullivan, Francesca Drake, Bruce Nash, Cynthia Nash, Dave
- 6 Leftwich, Doris Jackson, Fred Hollbrook, Rene Smith, Dawn Dismore, Sheryl
- 7 Broaddeus, Rebecca Townsend, Dianne Flagg, Don Stowe, Sherman Anderson,
- 8 Carol Tevis, Bud Turner, Ed Liebe, Glen Moritz, Bruce Lee, and Ed Wright or
- 9 Wight.
- 10 8. The current contact information for all the police or sheriff personel who took
- 11 part in the investigation of this matter.

BRUCE NASH (LIED ON STAND)
JOHN SULLIVAN

It is so ordered.

- 14 (A) JOHN SULLIVAN TESTIFIED AT TRIAL
 - 15 (B) BRUCE NASH AT TRIAL
 - 16 (C) CYNTHIA NASH WAS AT TRIAL
 - 17 (D) FRANCESCA WAS AT TRIAL
- _____
Judge of the Superior Court

(1) I TOLD SANDER DAVE LEFTWICH WAS IN VICTORVILLE, GAVE HIM AN ADDRESS AND PHONE NUMBER.

(2) DIANNE FLAG TESTIFIED SEEING A SILVER PINTO

(3) ROBERT EDWARDS IS IN SAN QUENTIN ON DEATH ROW FOR IDENTICAL CASE!!

I INFORMED SANDERS OF THESE PERSONS WHERE THEY WERE, BUT HE NEVER MADE EFFORTS TO INVESTIGATE!!

2

D.L.C. L 12/12/21

(m2) 12/21

1 PHYLLIS MORRIS
Interim Public Defender
2 CHRIS GARDNER
Interim Assistant Public Defender, Main unit
3 BY: David L. Sanders
State Bar #: 78021
4 Deputy Public Defender
14344 Cajon Ave. Suite 201
5 Victorville, CA 92392
(760) 241-0413
6
7 Attorney for Defendant, George Yablonsky

CONFLICT OF
INTEREST OR
FAIL TO PERFECT
THIS CRUCIAL
MOTION THAT
WENT TOWARD
ABILITY TO
~~INVESTIGATE~~

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO, DESERT DIVISION

10
11 PEOPLE OF THE STATE OF CALIFORNIA,
12 Plaintiff,

Case No.: FVI 021929

13 vs.

14 GEORGE YABLONSKY,
15 Defendant.
16

NOTICE AND MOTION TO
CONTINUE (PENAL CODE
SECTION 1050);
POINTS, AUTHORITIES AND
ARGUMENT IN SUPPORT
THEREOF.

17
18 PLEASE TAKE NOTICE that on January 14th, 2010, at 8:30 a.m., in
19 Department V-3 of the above-entitled court, defendant will move the Court for an
20 order continuing the jury trial in the above entitled matter to January 31st, 2011, or
21 any other subsequent date permitted by the court.

22 Said motion is made pursuant to Penal Code section 1050 and is based on the
23 attached Declaration and any evidence and argument that may be presented at the
24 hearing.

25 DATED: January 12th, 2011

26 DAVID SANDERS
Deputy Public Defender

[Signature]

27
28 JOHN YABLONSKY
ATTORNEY
CASE # FVI 900528

1 CH D4 (49-3)

YABLONSKY 1050 Motion

(113)

INSTEAD
HE ANNOUNCED
READINESS
FOR TRIAL
WHEN HE
STAYED
HE
INCAMERA
MOTION 1050
AND OBJECTED
DENIAL OR
CONTINUANCE
N-3

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DECLARATION IN SUPPORT OF MOTION

I, David L. Sanders, hereby declare:

1. That I am an attorney licensed to practice law in the State of California;
2. That I represent the defendant in this action;
3. That I believe that good cause exists to continue this matter based upon the following:

There are two potential witnesses who have been contacted by the prosecution to testify to Evidence Code Sec. 1108 evidence, that being alleged other instances of sexual criminal conduct. In prior conversations with the DA he informed me that he did not intend to call the two women. However, on Tuesday, January 11th, 2011, I was informed that the DA now does intend to call these women at the trial of this matter.

The defense needs contact information regarding these witnesses as he has not had an opportunity to interview them. One of the alleged instances is said to have occurred in El Paso, TX, in 1982. That woman now has a different last name. The other alleged incident is said to have occurred in 1996.

Neither of these women were located by the defense in their investigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 12th day of January, 2011, at Victorville, California.

David L. Sanders
Deputy Public Defender

2 GS

D549-4
M4
N4
YABLONSKY 1050 Motion

How does a deputy go from county jail employee to homicide detective 18 months later, where did his training come from, didn't somebody tell him to not lie and not alter evidence why is he back as a county jail bailor? and a sergeant

9
M
W

Sanders, David

STILL ACTING AS PROSECUTOR LEAD INVESTIGATOR

FORGERER, PERJURER

From: Alexander, Robert [ralexander@sbcisd.org]
Sent: Thursday, January 13, 2011 9:06 AM
To: Sanders, David
Cc: Thomas, John
Subject: Contact info for DR 1331036-07

LIAR

TRIAL
MAY STARTED

JAN 19 2011

1. [Redacted] 372
[Redacted] home phone

THIS IS A WRONG POSSIBLE ADDRESS

2. [Redacted] apt #1
Porterville, Ca. 93257
[Redacted] phone

THIS IS A POSSIBLE WRONG ADDRESS

THIS IS ONLY 6 DAYS TILL TRIAL STARTS

ON JAN 14, 2011 SANDERS (ATTY TRIAL) ANNOUNCED READY FOR TRIAL WITHOUT ONE CALL TO SPEAK TO THESE WITNESSES.

Det. Alexander
ralexander@sbcisd.org
909-387-3556 (Desk)
909-387-3455 (Fax)



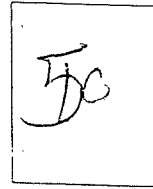
THE REQUEST FOR THIS WAS 60 DAYS PRIOR YET THIS WAS GIVEN ONLY DAYS BEFORE TRIAL STARTED

D3
L7 C3

(49-5) 2

VIOLATION BEING ON PEOPLE WERE ON DISTRICT ATTORNEYS ROSTER WHERE IS A COMPETANT ATTORNEY (M44) 132

EXHIBIT COVER PAGE G&g



DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

15-29786

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

281
103

178

68

Law Offices of the Public Defender



SAN BERNARDINO COUNTY

Doreen B. Boxer
Public Defender

LOOK AT SEQUENCE OF
TIME November 2, 2009 TO NOV. 10, 2009

Blain Kern
440 Business Center Court
Redlands, CA 92373

HE KNOW THE SERIAL DNA'S
FOR OVER 2 YEARS

Re: People v Yablonski

Dear Mr. Kern:

I would like to discuss with you the possibility of retaining your services in helping me to represent my client, John Yablonski. He was arrested in January of this year for the murder of Rula Cobb in September of 1985. This matter arises at this late date due to an alleged match in DNA between a swab taken this year when Mr. Yablonski was arrested in Long Beach and evidence that was reportedly collected at the scene of the crime in 1985 in the Lucerne Valley.

At this point I need an approximation of the costs of employing your services. I have attached a number of lab reports which the police and the DA are using to make their case. I need to know if there is any avenue of attack based on the manner in which the evidence was collected and tested by the authorities.

Please contact me at your earliest convenience regarding this matter.

Sincerely,

David Sanders
Deputy Public Defender

SANDERS FIRST
REQUEST TO FIND BILLING OR DNA TEST
BUT NOTHING TO FOLLOW UP OR
SECURE THIS REQUEST

HE WAS GOING
TRY TO TEST
MY DNA
BUT NOT
RED HAIR?
OR
CIGARETTEE BUTTS?

A

50-1

CH

277
K9
I 11
126

284
104

179
THIS REQUEST WAS A
NOT SUBMITTED BY SANDER TO APPROVE HIS INITIAL REQUEST



HUMAN IDENTIFICATION TECHNOLOGIES, INC. HITDNA.COM

November 10, 2009

Estimate prepared for:
David Sanders
Deputy Public Defender
14344 Cajon Ave, Suite 201
Victorville CA 92392
Phone: (760) 241-0413
Fax:
Email: dsanders@pd.sbcounty.gov

Prepared by:
Blaine Kern
Human Identification Technologies, Inc.
440 Business Center Court
Redlands, CA 92373
Phone: (909) 557-1828
Fax: (909) 557-1831
Federal Tax ID No. 26-2285633

Re: Estimate & Engagement Letter for Consultation (People v. Yablonski)

Mr. Sanders,

Thank you for contacting Human Identification Technologies, Inc. (HIT) regarding your DNA consultation needs. Based on our review of the laboratory reports mailed to our laboratory, we estimate it will require 11 to 14 hours to thoroughly review all of the laboratory notes, data, statistics, reports, protocols, procedures and guidelines, etc. associated with this case. The following is a breakdown of the hours required to review this case.

Summary of case review hours required:	Initials
Review of DNA reports and statistics:	2-3 hours _____
Review of analytical bench notes:	3-4 hours _____
Review of DNA protocols:	2 hours <u>Mandatory</u>
Review of DNA electronic data:	4-5 hours _____
Total Hours:	11 to 14 hours

AS

The quote has been broken down so that you may choose to focus your resources on the areas you deem most critical. Please place your initials next to the services you require. Our current hourly rates are presented below and are based upon desired turn around time. Please place your initials next to the turn around time you require.

<u>10 business day turn around</u> time*/\$300 per hour	<u>10-20 business day turn</u> around time*/\$275 per hour	<u>20+ business day turn around</u> time*/\$250 per hour
_____	_____	_____

*Turn around time begins on the date that all discovery materials are received by Human Identification Technologies, Inc.

440 BUSINESS CENTER COURT, REDLANDS, CA 92373
P: 909-557-1828 F: 909-557-1831

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I 12

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180

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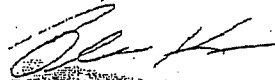
In the event that additional consulting/testimony services are requested by the client, the same per hour rate quoted herein will apply, and a new estimate may be prepared. Appropriate travel costs will apply. Please refer to our fee schedule for other potential costs associated with our services. The current fee schedule can be viewed or downloaded at www.hitdna.com/consulting.htm.

If this case is dismissed after discovery is requested by HIT but prior to any case review being performed, then an administration fee of two consulting hours will be charged. You have the right to terminate your relationship with us at anytime. This may occur if our consultation is no longer required for some unforeseen reason. Notwithstanding this scenario, you will be obligated to pay all costs incurred prior thereto.

Please excuse the formal and mechanical nature of this letter. It is a necessary step to ensure that the nature of our business relationship is clearly understood.

Please feel free to contact me with any questions or concerns you might have regarding this letter. I am looking forward to ensuring that "Genetic Justice™" is being served in this case!

Sincerely,



Blaine Kern
President/Forensic Scientist
Human Identification Technologies, Inc.
b.kern@hitdna.com.com
(909) 557-1828

*SANDBASS NEVER
TRIED TO TEST DNA
B*

This is to confirm my understanding and acceptance of the terms set forth in this engagement letter as well as my receipt of Human Identification Technologies, Inc.'s 'Fee Schedule (s)'.

Dated: _____

Signature: _____

Printed Name: _____

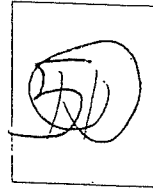
Please execute a copy of this letter and return to us. You can fax it to us at (909) 557-1831. We will also need to be provided with a 'wet-signature' copy for our records. Our mailing address is 440 Business Center Court, Redlands, California 92373.

440 BUSINESS CENTER COURT, REDLANDS, CA 92373
1-877-DNA-2HIT

P: 909-557-1828 F: 909-557-1831

Handwritten notes and signatures:
#12
50-3
#12
#12
#12
#12

EXHIBIT COVER PAGE G&g



51

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~5-28806~~

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

JORGE NAVARRETE
ASSISTANT CLERK
ADMINISTRATOR

MARY JAMESON
AUTOMATIC APPEALS
SUPERVISOR



EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

Supreme Court of California

FRANK A. MCGUIRE
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT
May 2, 2016

TITLE IS 3122

John Yablonsky AL-0373
California State Prison
P.O. Box 5002
Calipatria, CA 92233

DECISION APRIL 1, 2016
+ 60 DAYS
CAL. B. COURT 9.13
UNTIL JUNE 1, 2016

Dear Mr. Yablonsky:

A complainant in a State Bar disciplinary proceeding who is dissatisfied with the results thereof may file in the California Supreme Court a verified accusation against the attorney. (Bus. and Prof. Code, § 6108.) It is proper for the court to dismiss an accusation unless it appears therefrom "(1) that the accuser has set forth specific charges which, if proved, would constitute grounds for disciplinary action; (2) that the same specific charges have been previously presented in written form to the State Bar for the purpose of invoking its disciplinary powers; and (3) that following such presentation to the State Bar, it has arbitrarily failed or refused to grant a hearing on such specific charges or has arbitrarily failed or refused, after a hearing, to take appropriate action." (*In re Walker* (1948) 32 Cal.2d 488, 490.)

If you think that an accusation against your attorney is warranted and wish to file one, an original and ten copies in proper form should be presented to this court, together with proof of service of three copies on the **General Counsel, State Bar of California, 180 Howard Street, San Francisco, CA 94105**, and one copy on the **State Bar Court, 1149 South Hill Street, Los Angeles, CA 90015**.

While there is no form approved by the Judicial Council, your petition must be verified and conform as closely as possible to rule 8.204 of the California Rules of Court, regarding briefs. Please also include the correspondence from the State Bar indicating its action in the matter.

Very truly yours,

Sup. Ct. R.
9.13

FRANK A. MCGUIRE
Court Administrator and
Clerk of the Supreme Court

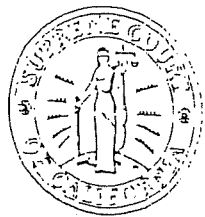
By: J. Hunter
Senior Deputy Clerk

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2108121

ETC
FRANK ADMIN STRATOR

MARI JAMESON
AUTOMATIC APPEALS SUPERVISOR



Setis
DFO

LABOR WARDEN BUILDING
333 CALLISTER STREET
SAN FRANCISCO CA 94102
(415) 387-0000

ST
ORDER

Supreme Court of California

REORDER
PLM

FRANK A. McGUIRE
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT

June 24, 2015

Debra Meyers
Deputy Court Executive Officer/General Counsel
San Bernardino County Superior Court
247 W. 3rd Street, 11th Floor
San Bernardino, CA 92415

+ 5
DAYS WITHIN
CAUSE

Re: S227210—John Yablonsky v. Superior Court

Dear Counsel:

Pursuant to rule 8.437 of the California Rules of Court, the court has directed that I request a preliminary opposition to the above referenced matter, petition enclosed. The opposition is to be served upon petitioner and filed in this court on or before July 15, 2015.

Petitioner will then have to and including twenty (20) days, to serve and file a reply to the opposition. If service is by mail, the provisions of Code of Civil Procedure section 1013 are applicable.

Very truly yours,

FRANK A. McGUIRE
Court Administrator and
Clerk of the Supreme Court

B. A. Newman

By: B. A. Newman, Paralegal

Enclosure

yablonsky.docx

cc: John Henry Yablonsky, Petitioner
Rec.

51-2
(72)
I 10

RULE (a)24

ATL
~~HP~~

~~THE STATE BAR OF CALIFORNIA~~

ATTORNEY SEARCH

David Lynn Sanders - #78021

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	78021	Phone Number:	(760) 241-0413
Address:	San Bernardino County Public Defender's 14344 Cajon Ave Ste 201 Victorville, CA 92392 Map it	Fax Number:	(760) 261-5365
County:	San Bernardino	e-mail:	dsanders@pd.sbcounty.gov
District:	District 4	Undergraduate School:	Brigham Young Univ; Provo UT
Sections:	None	Law School:	Brigham Young Univ J Reuben Clark LS UT; UT

Status History

Effective Date	Status Change
Present	Active
2/18/1997	Active
1/27/1997	Not Eligible To Practice Law
9/26/1996	Active
1/1/1996	Inactive
12/21/1977	Admitted to The State Bar of California

Explanation of member status

Actions Affecting Eligibility to Practice Law

Effective Date	Description	Case Number	Resulting Status
	Disciplinary and Related Actions		

51-3

35

view of the attorney discipline system.

This member has no public record of discipline.

Administrative Actions

1/27/1997 Admin Inactive/MCLE noncompliance

Not Eligible To Practice Law

H



THE STATE BAR
OF CALIFORNIA

OFFICE OF CHIEF TRIAL COUNSEL
AUDIT & REVIEW

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: (415) 538-2000
FAX: (415) 538-2220
<http://www.calbar.ca.gov>

DIRECT DIAL: (415) 538-2452

April 1, 2016

Personal and Confidential

John Yablonsky
AL0373, Inf 7 P.O. Box 5001
Calipatria, CA 92233

RE: Respondent: David Sanders
Case No.: 15-29186

Dear Mr. Yablonsky:

Due to your current circumstances I am unable to reach you by telephone.

The Audit and Review Unit of the State Bar's Office of the Chief Trial Counsel has completed its review of your request to re-open your complaint against the attorney in the above matter. After reviewing all the information provided, I have determined that there is not a sufficient basis to re-open your complaint.

Under applicable law and policy, the State Bar will re-open a complaint when there is significant new evidence or when we determine that there is good cause to reopen the matter. The State Bar Court is authorized to impose or recommend disciplinary sanctions only if there is clear and convincing evidence to establish that the attorney has committed violation of the Rules of Professional Conduct or the State Bar Act. Therefore, the State Bar will not reopen a matter unless there is a reasonable possibility that a disciplinary violation can be proven by clear and convincing evidence.

The pertinent facts in this matter are as follows:

You were arrested in March 2009 for the 1985 murder of Rita Cobb, after your DNA was found to match DNA sperm cells taken from the decedent's body after her murder. David Sanders of the Public Defender's office was assigned to represent you. In June 2009 Mr. Sanders mailed you the "first installment of discovery." You stated that the mailing included 300 pages of documents. In a subsequent letter you wrote to Mr. Sanders, you stated that an envelope had been opened and delivered in regular mail. It is not clear whether you were referring to the discovery packet. Following the preliminary hearing, which you apparently felt Mr. Sanders handled well, you were held to answer the charge against you.

2 1/2 A

(51.4)

(20)

(i)

(2)

In June 2010, you learned that Mike Ramos, the sitting district attorney, printed a photograph of you and the fact of your arrest in his campaign fliers. You filed a civil complaint against him, but the complaint was dismissed without prejudice due to a lack of evidence.

(3) In September 2010, a Motion to Recuse the district attorney's office was filed on your behalf. On October 6, 2010, a Motion to Compel Discovery was also filed on your behalf. On October 8, 2010, the court denied both motions. On February 3, 2011, the jury returned a guilty verdict against you. On February 25, 2011, you filed a *Marsden* motion. A Motion for New Trial based on ineffective assistance of counsel had also been filed on your behalf. Both motions were denied on February 24, 2012. Based on its observations of the trial, the court did not find that Mr. Sanders was incompetent or ineffective. Your *Faretta* motion was also denied.

You appealed your conviction in the Court of Appeals, case no. E055840. You raised various theories, including Mr. Sanders' ineffective assistance of counsel and third party culpability. Regarding Mr. Sander's assistance, you alleged inter alia, that he failed to properly investigate, pursue evidence, prepare for trial, make motions, investigate and present evidence of other possible suspects, retain a forensic expert for trial testimony, or have DNA analysis conducted of certain evidence.

(4) The Court of Appeals filed its Opinion on December 4, 2013. In addition to assuming that Mr. Sanders exercised sound trial strategy, it rejected your argument that an investigation of Robert Mark Edwards should have been pursued. (Contrary to your assertions that Edwards was on death row for the same murder as you, it is my understanding that he was convicted of the rape and murder of a different woman). The court observed that it could not determine that Mr. Sanders "failed to conduct requisite investigation and preparation, or whether he did so and obtained evidence unfavorable to [you]." The court also noted that Mr. Sanders' efforts to present evidence was rejected by the trial court. Further, the court found no basis for Mr. Sanders' to have objected to the trial court's direction to jurors to continue deliberations or sought to change venue. Your Supreme Court petition for review was summarily denied.

(5) In 2014, you complained to the State Bar that Mr. Sanders failed to make your client file available (case no. 14- 19746). In response to your complaint, the State Bar directed Mr. Sanders to contact you and arrange for you to obtain your client file. In August 2014, the State Bar received correspondence from you which indicated that you had received an additional 1300 documents from Mr. Sanders, however, you still had not been provided the complete file. At that time, At that time, the State Bar contacted Mr. Sanders who reported that he had provided you with the complete file. Here you alleged that, including the 300 documents Mr. Sanders previously produced, there were 4000 documents that you should have received. You further alleged that some of the documents Mr. Sanders produced in July 2014 were different from what he produced in 2009.

In order to impose discipline against an attorney, the State Bar must prove by clear and convincing evidence that the attorney violated the State Bar Act or the Rules of Professional Conduct. The facts in this matter do not support a reasonable likelihood that the State Bar would meet its burden of proof.

The State Bar gives significant weight to Superior Court findings supported by substantial evidence. Here, most, if not all, of your allegations in your State Bar complaint were also raised in your appeal. As stated above, the Court of Appeals rejected your allegations against Mr. Sanders.

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(6) Further, many of your allegations involve Mr. Sanders' exercise of his professional judgment. As your attorney it was within the purview of his discretion to decide the investigation to be conducted, motions to file, and trial strategy, including evidence to present at trial and witnesses to call. He was not required to proceed in the manner you preferred.

Regarding the file Mr. Sanders provided to you, we have no information to refute his claims that he provided you with the entire file, and you have provided no proof in support of your contention that Mr. Sanders had 4000 documents. As far as discrepancies in the documents, you have not provided facts to support a finding that Mr. Sanders was responsible. Mr. Sanders initially provided documents shortly after you were charged. The subsequent production was more than three years after the trial. Also, Mr. Sanders' accumulation of discovery was ongoing. This is evidenced by the October 6, 2010 Motion to Compel Discovery.

JUST SAID IT WAS DENIED

(7) Regarding the issues you raised regarding the CD of your interview, Exhibit 49, the minute order that you provided reflects that the court addressed the issue. There was no apparent finding of misconduct made against Mr. Sanders. Also, this was not an issue raised in your appeal.

For these reasons, we must deny your request to re-open your complaint.

If you disagree with this decision, you may file an accusation against the attorney with the California Supreme Court. A copy of the applicable rule is enclosed. (See Rule 9.13, subsections (d) through (f), California Rules of Court.) If you choose to file an accusation, you must do so **within 60 days of the date of the mailing of this letter**. The State Bar cannot give you legal advice or representation. If you have not already done so, you may wish to consult with an attorney for advice regarding any other remedies, which may be available to you. You may contact your local or county bar association to obtain the names of attorneys who might assist you further in this matter.

Very truly yours,


T. Stewart
Deputy Trial Counsel

Enclosure

51-6

20

John Henry Yablonsky AL0373
inf.#7
Box 5001
calipartria ca.92233

XXXXX

RE:Yablonsky v Sanders case no. 15-29186

OBJECTION

- 1) The state bar held a inquiry with the counsel without the presence or communication with the cleint and without allowing the client to respond to any replies by the attorney (I OBJECT)
- 2) Thta the state bar court embellished and mistated facts regarding the case that directly contradict the state records and therefore I am forced into correcting the embellishments and mistatements (I OBJECT)

EX FACTO ORITUR JUS

RESPONSE TO CHIEF TRIAL COUNSEL STATEMENT

- 1) The state bar attempts to exaggerate a verified and expert analysis of the findings about the petitioners DNA that was locate. First expert stated that the DNA was the result of a sexual encounter that occurred [SEVERAL[] days before the crime occurred (RI317- Criminailst Donald Jones)This was not challenged nor did the state enter an objection.Next ,the state other expert stated that the DNA that was collected was the result of a sexual encounter that was more than one and a half days olxder that the murder.(RI\$90-Dr.Saukel [pathologist])The state did not contradict nor enter an objection to this determination.
There was no other experts regarding the [duration] of defendantrs DNA
- 2) The attorney stated thta an envelope arrived that was opened and that he did not know if it was related tothe discovery he sent.First,that incuiodent occurred several months after hte mailing of the discovery,and had nothijng to do with the twoi 9 X 12 enveloes he mailed to me thta were packing taped together. Next ne himself admitted on the records that he had witheld discopery,statinz that he gave hois client 300 page befotre trial,and more after the trial (see ecxhibit 4) filed here
- 2½) The preliminary hearing occurred a few months after the discovery was initially released inthe amount of three huindred pages,while he knowongly witheld 4200 pages,and the acts intne preliminary hearing did not exceed the 300 page information.

OBJECTION 1

51-7

3) The attorney stated that he filed a formal request for discovery, that was heard on October 2010, but that statement is false, he may have written a motion, but is it was not heard, (see exhibit 19)(CI148) That hearing was based on a recusal motion and was held off the records because the attorney failed to serve the correct parties. Maybe, just maybe when he failed to serve the attorney general he also failed to file the motion for discovery, since the court's minute record would indicate any motions that were before the court that date. It would be consistent with his ability to write motions in his clients names correctly, or to follow the rules of the state and courts by serving the correct parties timely. So it is not a stretch that he also failed to file the motion for discovery TOO!!!

4) The state bar court findings that the state appellate courts of the 4th appellate district was that the trial counsel's acts were (sound trial strategy) is bizarre

(a)(COA13-14)(The confession)(see exhibit 23 filed here)

The trial court rules the we-tip report was inadmissible hearsay. Hearsay is an out of court statement offered to prove the truth of the matter stated (Evid.C. sec.1200) Hearsay evidence in general is inadmissible (Ibid)The statement reports to the we-tip would be hearsay if the declarant offered it to prove the truth of what Backhoff said(i.e.) that he killed Rita Cobb. If the statements were offered to show what if anything the sheriff's department did in response to the we-tip report [THEN THE REPORT AND ITS CONTENT IS NOT HEARSAY].

(b)(COA15) (Bruce Nash testimony)(see exhibit 24 filed here)

Although admissible as a statement of intent, the trial court may exercise discretion under evidence code sec.1252 to exclude such statement if the trial court finds "The statement was made under some circumstance as to indicate its lack of trustworthiness..."

The trial court did not consider in ruling the statement inadmissible, it did not consider whether Cobb was drunk at the time the statement was made. Instead the trial court ~~refused~~ focused on defense counsel [FAILURE] to [cite] an exception to the hearsay rule. Absent that exception, the trial court viewed Cobb's statement as unreliable. [THE EXCEPTION PREVIOUSLY NOTED, IS EVIDENCE CODE SECTION 1250]. The trial court did w questions the relevance of Cobb's statement that she was going to a bar, because [several] witnesses apparently testified they did not see her in a bar that night in question. The trial court relevance analysis is [INCORRECT] and that [COBBS STATEMENT WAS RELEVANT!!!]

5-8

so now the trial court could think the court of appeals found his courtroom actions as sound is confusing. There is, filed here proof that his acts are not, and the courts findings on only [two]½ of the [numerous] possibilities the court of appeals does not agree with the trial courts analysis of this income tax attorney's actions that sacrificed his clients freedom because he failed to investigate and prepare for the courtroom, possible because he traded my freedom for his job, or promotion, in any way manner his acts failed, because of his incompetence!!

- 5) Here the state bar states that the attorney after release of the 1300 pages in July 2014, three years after the state trial and after the state appeal and the state habeas that petitioner wrote stating that this was not the whole file, that the attorney sent some [more] (???) There is no record of any mail being received in the institution that records all the mail, including a post card from a lawyer, and that attorney cannot show he sent them, because he did not, and again is lying to the state bar court. He released 300 pages in June 2009, stating that was all there was. Then 1300 more after trial and he was busted in his lie, admitting it on the records he lied the first time, telling the courts then he copied everything and sent it, in MARCH 2011 stating that was all there was. Then in July 2014 after the state bar gets involved he states he released all the evidence [again]. But then after he was busted again for lying, he stated he sent some more?? That is a lie, and this bar holder has already lied to the court and state bar three times, on the records.
- 6) The trial courts finding that the attorney exercised sound judgement is not only a disgrace to the profession, but to the constitution they are sworn to uphold while the entire records are filled the attorney lied to his client and then hid those lies until the state direct appeal had exhausted, and has nothing to show he even attempted to investigate anything in this case, besides read police reports and negotiate his clients rights without ever discussing them with his client. They had me in the COJ county jail for three years, there was plenty of time to discuss his clients case and possible strategies, considering his client was innocent, and the states evidence proves that, but because he had not investigated anything he failed at every challenge the courts and prosecutor placed before his client, and deliberately assisted the state in manufacturing evidence that he helped get into the states records where the clients answers were altered to create an element to the charge. (see exhibit 21, 22, 23) He even assisted the state in altering the trial transcripts after the trial had ended in the retroactive Alexanders false statement!!!!!!!

51-9

7) The state bar court states that the compact disc exhibit 49 (state FVI900518) states that the minute order reflects the accuracy for the transcription and that the courts addressed the issue. That is a blatant misstatement of the facts. The state courts in Habeas court stated that there was not enough proof to support my claim. Case WHCSS1200331 in *June 2013)

Here the poor attorney and not released the proof until July 29 2014, meaning that if I had the state compact disc (exhibit 49) and the stated exhibit 49 (113 page transcript) they would have seen the proof, and certainly had I had the 136 page version to the transcript, they would not have made that determination,....

BUT DAVID LYNN SANDERS HELD THEM ~~XXXXXXXX~~ AWAY FROM HIS CLIENT UNTIL JULY 2014!!!!

AFTER THE HEARING HAD BEEN WITHHELD!!!!

Lastly, the client, petitioner here was not allowed to reply nor know what was held in the ~~trial~~ court of the state bar, and therefore prejudicial, especially since the complaint was so in depth, and detailed. The chief trial counsel stated that they could not call me, but the U.S.P.S. has been in business for many years and would have been glad to deliver a letter, so that the client's rights could remain protected, and the integrity of their decisions be sound.

But they did not, and petitioner here finds himself without any alternative but to enter upon this court objections for the above stated reasons, incorporating the accusations filed here, along with the exhibits to support that David Lynn Sanders had failed his ~~fiduciary~~ fiduciary obligations he intentionally ignored as he injured a party that relied on his expertise, training, and professional ethics, not some side show circus act. Especially when there was evidence he could have used to prove his client's innocence. My DNA was not on the red hair (I am blonde) nor the watch band pin, nor the wire around the victim's neck, my fingerprints were not located in the house, and these items make a reasonable jurist see that the defendant was not guilty. Knowing they existed, and hiding them from his client is not sound strategy, is conspiracy and against the constitution he was tied to his client by.

ESPECIALLY WHEN THE DEFENDANT'S DNA WAS MORE THAN ONE DAY OLDER THEN THE CRIME!!!!

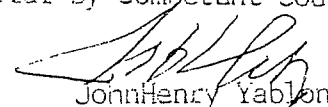
I cannot be held responsible for who she met after I left her and that other woman, on Wednesday or Thursday before she was killed after she left the Sullivan drinking party. That was that attorney's job to defend my interests and here my interests are my innocence.

The constitution guaranteed a guilty man of a fair trial by competent counsel representation, and that goes for an innocent man as well.

date

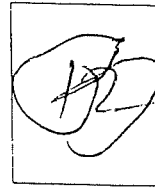
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OBJECTION 4


John Henry Yablonsky

51-10

EXHIBIT COVER PAGE G&H



51

DESCRIPTION OF THIS EXHIBIT:

Number of pages to this exhibit: _____ pages.

~~15-27-18~~ 6

Jurisdiction: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- Federal Circuit Court
- United States Supreme Court
- Grand Jury

51-11

1 larger amount that's taken some time.

2 THE COURT: The Court's going to sustain its
3 own objection to vague. You want to restate?

4 MR. SANDERS: Yes, your Honor. Thank you.

5 BY MR. SANDERS:

6 Q You said you found a large amount of sperm
7 cells.

8 A Relatively large amount compared to other
9 sexual cases that I worked, yes, sir.

10 Q All right. But you have no knowledge of the
11 person that -- that -- the sperm count of the person
12 that made that deposit?

13 A Absolutely. That's correct.

14 Q So it could have been -- you can't tell the
15 time based on just looking at what you looked at?

16 A No, sir.

17 Q Okay. In other words, from the information
18 that you had, the sexual experience of the victim could
19 have been at the time of death, hours before the time of
20 death, or after death?

21 A That's probably true. I would say it probably
22 wasn't days before in terms of she had intercourse,
23 several days passed, and then she died.

24 Q Right.

25 A I'm fairly certain of that.

26 Q Okay.

27 A If you take those days and shrink it down into
28 hours and so forth, I can't tell you.

51-12

1 postmortem?

2 A All of the liver mortis changes was on the
3 dependent portions of the body. So we didn't have
4 evidence that there had been a movement of the body
5 after, say, specifically the liver mortis would become
6 fixed after several hours. Didn't see any evidence that
7 the body had been moved after -- the body was in the
8 position that it was found within an hour or two of
9 death.

10 MR. SANDERS: Thank you, sir. No further
11 questions on cross-examination, your Honor.

12 THE COURT: Redirect.

13 MR. THOMAS: Thank you, your Honor.

14 REDIRECT EXAMINATION

15 BY MR. THOMAS:

16 Q Mr. Sanders asked you about the certainty on
17 sexual assault cases as far as when sex took place.

18 Do you recall that line of questioning?

19 A Yes.

20 Q Okay. In this particular case, you have a
21 death; correct?

22 A (No audible response).

23 Q Is that yes?

24 A Yes.

25 Q And as far as the sex was concerned, based on
26 your training and experience and based on what you
27 termed a moderate amount of sperm, can you say that this
28 occurred a week prior to death?

5-13

SAUKEL

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A It would have to have been shorter than that.
Q How short?
A It could have been up to a day, day and a half.
Q Within a day and a half?
A Yes.
MR. THOMAS: Nothing further.
THE COURT: Mr. Sanders.
MR. SANDERS: I have just another question.

RECROSS-EXAMINATION

BY MR. SANDERS:

Q Is there any possibility in this case that
the -- that the sex was postmortem?
A Yes.
Q It could have been based on the things that you
saw?
A Yes.
MR. SANDERS: I have nothing further, your
Honor.
THE COURT: Mr. Thomas.
MR. THOMAS: Nothing further.
THE COURT: May Dr. Saukel be excused?
MR. THOMAS: Yes.
THE COURT: Thank you for being with us, sir.
You are excused.
Call your next witness.
MR. THOMAS: That was my only witness this
afternoon.
THE COURT: Okay. Folks, I told you it

51-147

EXHIBIT COVER PAGE

52

EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

MUNICIPAL COURT

SUPERIOR COURT

APPELATE COURT

STATE SUPREME COURT

UNITED STATES DISTRICT COURT

STATE CIRCUIT COURT

UNITED STATES SUPREME COURT

GRAND JURY

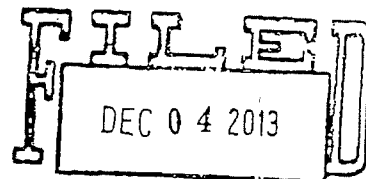
NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO



COURT OF APPEAL FOURTH DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN HENRY YABLONSKY,

Defendant and Appellant.

E055840

(Super.Ct.No. FVI900518)

OPINION

APPEAL from the Superior Court of San Bernardino County. John M. Tomberlin,
Judge. Affirmed as modified.

Richard A. Levy, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney General,
Lilia E. Garcia and Peter Quon, Jr., Deputy Attorneys General, for Plaintiff and
Respondent.

AT 1 521

The Attorney General's concessions are appropriate. Therefore, we will strike the \$10,000 parole revocation fine the trial court imposed on defendant under section 1202.45.

DISPOSITION

Defendant's sentence is modified by striking the \$10,000 fine the trial court imposed under section 1202.45. As modified, the judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

McKINSTER

J.

We concur:

HOLLENHORST

Acting P. J.

KING

J.

AT 2
502

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN HENRY YABLONSKY,

Defendant and Appellant.

E055840

(Super.Ct.No. FVI900518)

OPINION

APPEAL from the Superior Court of San Bernardino County. John M. Tomberlin,
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Richard A. Levy, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Julie L. Garland, Assistant Attorney General,
Lilia E. Garcia and Peter Quon, Jr., Deputy Attorneys General, for Plaintiff and
Respondent.

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Yablonsky's conviction was affirmed on appeal by this court in 2013. (*People v. Yablonsky* (Dec. 4, 2013, E055840) [nonpub. opn.] [2013 Cal.App.Unpub. LEXIS 8800].)¹ Review was denied by the California Supreme Court in 2014. Yablonsky's habeas corpus petitions filed in the state courts attacking his conviction were unsuccessful and he remained incarcerated.

On December 24, 2015, he filed his first amended complaint against defendants and respondents Michael Ramos, David Sanders and John Thomas (collectively, Defendants) on the grounds of negligence, professional negligence and violation of his federal Constitutional rights.² Ramos, who at the time of Plaintiff's conviction was the District Attorney of San Bernardino County; Sanders, who represented Yablonsky at his trial; and Thomas, who was the deputy district attorney who prosecuted Yablonsky's case, filed a demurrer. Yablonsky's request for a continuance to file opposition to the demurrer was denied.

The trial court granted the demurrer finding that the causes of action against Ramos and Thomas were all based on their actions prosecuting Yablonsky and they were immune pursuant to Government Code section 821.6. The trial court also granted the demurrer as to Sanders on the ground that each of the causes of action alleged against

¹ We take judicial notice of the opinion and record in case No. E055840.

² Defendants are represented by San Bernardino County Counsel. Although Yablonsky named other persons in his action, the only persons who filed a demurrer were Ramos, Thomas and Sanders. Yablonsky only appeals the grant of the demurrer, which he acknowledges was filed only by Defendants. We need only be concerned with Defendants.

evidence regarding Cobb's promiscuous lifestyle; the exclusion of evidence that a person named William Backhoff had been bragging about murdering Cobb in 1988; the trial court erred by denying his motion for new trial based on ineffective assistance of counsel; instructional error; and improper denial of his motion to recuse the San Bernardino County District Attorney's office and denial of his request to change venue. He sought the change of venue and recusal on the ground that prior to his trial, Ramos had sent out fliers in connection with his reelection campaign with Yablonsky's photograph, stating he had finally been caught due to the cold case division started by Ramos. Yablonsky's conviction was affirmed and review in the California Supreme Court was denied. His state court habeas petitions attacking his conviction were also denied.

On February 3, 2015, Yablonsky filed a federal civil rights complaint pursuant to Title 42 United States Code section 1983 in *Yablonsky v. Ramos, et. al.*, case No. CV15-00197. He brought the action against Defendants due to illegal interrogation, use of altered evidence, and based on Ramos sending out the offending fliers. His causes of action were based on violations of his Fourth, Fifth, Sixth and Fourteenth Amendment rights. The federal court dismissed the first complaint with leave to amend on the grounds that to the extent his claims implicated the validity of his conviction, they were barred based on his conviction not being first overturned, and many of the persons named were entitled to immunity.

Yablonsky filed an amended complaint. The federal court issued an order that the gravamen of his claims in the amended complaint was that he was wrongfully convicted of Cobb's murder; specifically, the claims that Ramos tainted the jury pool by sending

Sanders, his counsel; Geoffery Canty, legal counsel; Phil Zywiciel, legal counsel; Mark Shoup, legal counsel; Robert Alexander, San Bernardino County Sheriff's Detective; Greg Myler, sheriff's detective; Don Boldt; Captain Wickham; "Defendant sheriff of the county (john doe)"; and John Thomas.

In the first portion of the FAC, he set forth facts showing his diligence in bringing the claims. He insisted he was never given all of the records in the case and could not bring the claims until he obtained the necessary records. He also attached a declaration in support of tolling under Code of Civil Procedure section 338, subdivisions (d) and 340.6; subdivision (3) and numerous exhibits in regard to his diligence in bringing the action.

As for the facts, Yablonsky alleged that on March 8, 2009, Detective Alexander, assisted by Detective Myler, interrogated Yablonsky in his home. They then transported him to the local police station where they continued their interrogation. They arrested Yablonsky. After the interrogation, the recordings were transcribed at the direction of Thomas. Yablonsky stated the transcriptions were altered numerous times by Alexander at the direction of Thomas. Ramos and Sanders assisted or were aware of the alterations.

Yablonsky's legal counsel—Sanders, Shoup, Canty and Zywiciel—hid the changes to the transcript from him. Canty, who first represented him, hid evidence from him despite Yablonsky asking for all of the discovery. Sanders, his second counsel, also hid discovery from him against the rules of professional conduct. This included information regarding William Backhoff who Yablonsky claimed was the true killer. Sanders also withheld reports from him. Yablonsky alleged that Shoup was the

rights under the state Constitution. The violation was based on the presentation of the interrogation to the jury, which caused him irreparable harm.

Yablonsky's third cause of action was for negligence and "right of access to court." He named Sanders, Shoup, Captain Wickham and Boldt. His First, Sixth and Fourteenth Amendment rights under the federal Constitution were violated and his state Constitutional rights were violated. The jail officials blocked access to his attorney and other public officials. Sanders and Shoup were aware of the restrictions and did not try to remedy the situation. Yablonsky would continue to suffer his loss of rights.

Yablonsky's fourth cause of action was for "negligence, false light, libel [and] equal protection of the laws." Yablonsky alleged violations of his Fourteenth Amendment rights under the federal Constitution and the equal protection clause. He also raised violations of his state Constitutional rights. This cause of action was based on Ramos distributing flyers to voters in his campaign depicting Yablonsky's photograph and stating he had been arrested for Cobb's murder. Yablonsky would continue to suffer a loss of his rights.

Yablonsky's fifth cause of action was based on negligence, professional negligence and right to an impartial jury. He named Defendants, Shoup and Detective Alexander. He alleged violations of his Fifth, Sixth and Fourteenth Amendment rights under the federal Constitution and his state Constitutional rights. He alleged that by Ramos sending out the flyers, his rights to an impartial jury were violated. Sanders and Shoup violated his rights by scheduling a trial in front of a biased jury.

Defendants also contended that any action under Title 42 United States Code section 1983, and any state negligence claim, should be dismissed as Yablonsky had not shown by sufficient facts that his conviction was reversed on appeal or otherwise reversed. This was an element of both of these types of claims. His claims were not cognizable. Yablonsky's claims of professional negligence were not cognizable because he had to prove exoneration by postconviction relief as an element of the cause of action. Further, any causes of action against the prosecutors of his case lacked merit because under both state and federal law they were entitled to immunity.

On January 21, 2016, along with the demurrer, Defendants submitted a request for judicial notice of the filing of the civil rights complaint and amendments pursuant to Title 42 United States Code section 1983 by Yablonsky in the federal court. On February 3, 2016, Yablonsky filed an intent to oppose defendants' demurrer. No opposition was filed.

On February 22, 2016, Yablonsky filed a request for a continuance to file his opposition to March 29, 2016. He stated he had limited access to the law library and his vision problems made it difficult to review materials.

C. RULING

The matter was heard on February 29, 2016. The trial court stated that it had considered the demurrer of Defendants to the FAC. The court had read the moving papers and the "opposition." Yablonsky inquired about the continuance requested. The trial court denied the motion for continuance. Yablonsky argued that he had only just started researching his opposition to the demurrer but due to his vision problems was

denied. Yablonsky failed to present valid evidence that the continuance should have been granted. He argued he had suffered a stroke but provided no medical evidence. Further, he presented no new evidence that would support reconsidering the demurrer.

On March 28, 2016, Yablonsky filed a reply to the opposition. He contended he should have been granted a continuance to file opposition to the demurrer because he needed more time to research. He claimed to have limited access to the law library and suffered from double vision requiring more time to review documents.

On April 14, 2016, Yablonsky filed his notice of appeal. Based on Yablonsky filing his notice of appeal, the motion for reconsideration was stayed pending appeal.

DISCUSSION

Yablonsky entitles his appeal "Plaintiffs appeal regarding ruling of demurrer filed by said defendants Ramos, Thomas, Sanders of hearing date February 29, 2017 sustaining demurrer without allowing Plaintiff opportunity to file opposition." Most of Yablonsky's brief is unintelligible. However, it does appear he is arguing that the fact he was granted the opportunity to file the FAC included that he had a right to file his opposition. This appears to be an argument that the trial court erred by denying a continuance to file his opposition.

In addition, it appears Yablonsky is arguing Ramos violated his rights guaranteed under the federal Constitution and state statutes by mailing out fliers with his photograph and altering evidence of the interrogation transcripts. Ramos set Yablonsky's trial date to assist Ramos in his election campaign. Thomas violated Yablonsky's federal Constitutional rights and state statutes by altering the interrogation transcripts. Finally,

theory. (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 318.) Although we accept as true all facts properly pled in the complaint, we do not assume the truth of “contentions, deductions or conclusions of law.” (*Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967.) We review the demurrer rulings on a de novo basis. (*Bame v. City of Del Mar* (2001) 86 Cal.App.4th 1346, 1363.)

Absent a reasonable possibility that any pleading defects can be cured by amendment, the trial court does not abuse its discretion by denying leave to amend. (*Aubry v. Tri-City Hospital Dist.*, *supra*, 2 Cal.4th at p. 967.) Appellant carries the burden of proving an amendment would cure any defect. (*Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074, 1081.)

Initially, the demurrer was appropriately granted under Code of Civil Procedure section 430.10, subdivision (f), which provides, “The pleading is uncertain. As used in this subdivision, ‘uncertain’ includes ambiguous and unintelligible.” Yablonsky’s entire FAC was unintelligible. Although Yablonsky alleged that his causes of action were based on negligence, professional negligence, and violations of his federal Constitutional rights, he provided nothing to support recovery on such theories. The trial court could grant the demurrer based on it being unable to understand the claims raised by Yablonsky.

To the extent that Yablonsky was raising claims that his civil rights were violated, e.g., claims under Title 42 United States Code section 1983, he was not entitled to relief and the trial court did not err by dismissing the FAC without leave to amend. Title 42 United States Code section 1983 provides in pertinent part that “Every person who, under

sentence has previously been invalidated.’ ” (*Yount v. City of Sacramento* (2008) 43 Cal.4th 885, 893.)

Here, Yablonsky failed to establish that his conviction had been overturned or that if he was successful his conviction would be invalidated. As such, his claims under Title 42 United States Code section 1983 were properly dismissed without leave to amend.

Moreover, to the extent he was raising negligence claims under state law, Ramos and Thomas, as prosecutors, were entitled to immunity. In order for Yablonsky to prevail on his negligence causes of action, he must show that Defendants owed him a legal duty, that they breached that duty, and the breach was a proximate or legal cause of his injuries. (*Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 477.) Government Code section 821.6 provides, “[a] public employee is not liable for injury caused by his instituting or prosecuting any judicial or administrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause.” “[Government Code s]ection 821.6 covers the initiation or prosecution of judicial or administrative proceedings where the target may or may not be a state employee. The policy behind section 821.6 is to encourage fearless performance of official duties. [Citations.] State officers and employees are encouraged to investigate and prosecute matters within their purview without fear of reprisal from the person or entity harmed thereby. Protection is provided even when official action is taken maliciously and without probable cause.” (*Shoemaker v. Myers* (1992) 2 Cal.App.4th 1407, 1424.)

To the extent that Yablonsky is claiming malpractice or professional negligence on Sanders's part, he also has failed to show he achieved a reversal of his conviction as required. “ “[P]ermitting a convicted criminal to pursue a legal malpractice claim without requiring proof of innocence would allow the criminal to profit by his own fraud, or to take advantage of his own wrong, or to found [a] claim upon his iniquity, or to acquire property by his own crime.” ” (*Wiley v. County of San Diego* (1998) 19 Cal.4th 532, 537.) Further, “ ‘allowing civil recovery for convicts impermissibly shifts responsibility for the crime away from the convict.’ ” (*Ibid.*) “Only an innocent person wrongly convicted due to inadequate representation has suffered a compensable injury because in that situation the nexus between the malpractice and palpable harm is sufficient to warrant a civil action, however inadequate, to redress the loss.” (*Id.* at p. 539.)

Yablonsky has not shown that he obtained a reversal of his conviction. As such, he cannot show that he could allege a proper cause of action of malpractice or professional negligence against Sanders.

As stated, it is Yablonsky's burden to prove an amendment would cure any defect. (*Schifando v. City of Los Angeles, supra*, 31 Cal.4th at p. 1081.) Here, Yablonsky has not met his burden of showing how he could amend his FAC to allege a cognizable claim. He certainly was unable to amend his complaint filed on identical grounds in the federal court to raise a cognizable claim. As such, the trial court properly granted the demurrer without leave to amend.

FACTS

This case involves the September 1985 murder of Rita Cobb. Defendant was arrested for that crime in March 2009, after a sample of his deoxyribonucleic acid (DNA) matched DNA from sperm cells found in a vaginal swab taken from Rita Cobb's body following her apparent murder in 1985. His DNA, and the fact that when interviewed by law enforcement officers defendant admitted he knew Rita Cobb but denied having had sex with her, is the evidence that connects defendant with the murder and therefore is the evidence on which the jury relied to find defendant guilty.

That Rita Cobb was murdered is undisputed. Her son, Daryl Kraemer, and his girlfriend, found Cobb's nude, decomposing body on the bed in the bedroom of her Lucerne Valley home. A wire coat hanger was wrapped tightly around her neck and knotted on the side. Marshall Franey, a San Bernardino County Deputy Coroner assigned to investigate the death, estimated, based on the moderate decomposition of the body, that Rita Cobb died at least two days before her body was discovered.

Dr. George Saukel, the forensic pathologist who performed the autopsy on Rita Cobb's body, confirmed Franey's estimate regarding the time of death. He concluded Cobb's death had been caused by both manual strangulation, as evidenced by fractures to bones in Cobb's neck, and ligature strangulation, as evidenced by a wire coat hanger wrapped tightly and twisted twice around Cobb's neck. Dr. Saukel also found sperm cells in Rita Cobb's vagina. Based on the condition of those cells, Dr. Saukel estimated sexual intercourse could have occurred as much as a day and one-half before Cobb's death, or postmortem.

Cobb. Over the course of the interview, which began at defendant's home, then moved to the local police station, the detectives asked defendant three different times whether he had had a sexual relationship with Cobb. Each time defendant said no. At the conclusion of the interview, the detectives arrested defendant.

The detectives obtained a buccal swab, i.e., cells from the cheek, inside defendant's mouth. A DNA analysis of the buccal cells confirmed defendant's DNA matched the DNA obtained from the sperm and semen recovered from the vaginal swab taken from Rita Cobb.

Rita Cobb was last seen alive on Friday, September 20, 1985, at a social gathering at the home of her friends, John and Francesca. Cobb drank alcohol most of the evening. She appeared more intoxicated than usual by the time she got ready to leave around 10 or 11 p.m. Bruce Nash offered to drive Cobb home. He testified Cobb declined the offer. However, John recalled Nash did drive Cobb home in her own car, and Nash's girlfriend followed in Nash's car.

Daryl Kraemer had not been able to reach his mother by telephone over the weekend of September 21 and 22. On Monday he called her work, and learned Cobb had not come in, so he and his girlfriend drove to Cobb's home. They discovered her body around 11:30 a.m. and called authorities.

Additional facts will be recounted below as pertinent to the issues defendant raises on appeal.

his motion for new trial. That police report was not before the trial court when it ruled on the admissibility of the Brooks crime. Moreover, the police report, which lists several unsolved homicides involving older women, only discloses that on July 5, 1985, 63-year-old Helen Brooks was apparently killed and her body was found in an apartment located on Highway 18, in Apple Valley.

Defendant also made an offer of proof that DNA obtained in the Brooks case did not match defendant's DNA, and therefore defendant was eliminated as a suspect in that case. The prosecutor had told the trial court about the Helen Brooks case, in the course of putting on the record that he had made parts of the file in that case available to defense counsel. In describing the case to the trial court, the prosecutor said Brooks had been raped and murdered. Neither defense counsel's statement nor the facts contained in the record on appeal establish that the DNA obtained in the Brooks case was obtained from a vaginal swab of the victim. The record on appeal does not include any other details about that crime, such as how Brooks was killed or where and how her body was found. Absent those details, defendant failed to link the person who killed Helen Brooks with the homicide of Rita Cobb.³

We also do not accept defendant's assertion that the trial court precluded his attorney from making the necessary offer of proof. But even if we agreed, and thus

³ In his new trial motion, defendant argued that blood of his own rare blood type was also found at the Brooks crime scene, but he did not support that assertion with citation to any evidence submitted in support of his new trial motion. Moreover, that evidence cuts both ways in that it suggests defendant could have killed Brooks, even though his DNA was not found at the scene.

1985 understood, that Ms. Cobb did have a number of gentleman [sic] of different ages, and she entertained them at her residence. She invited them to be there, and it was not uncommon for her to have male guests at home.” The prosecutor objected on the ground such evidence was inadmissible character evidence. The trial court ruled the evidence was not relevant and excluded it. In doing so the court noted defendant had established through the testimony of Rita Cobb’s son and his wife that Ms. Cobb dated and had people over to her house. Although defense counsel protested “there was more,” presumably meaning he had additional questions he wanted to ask those two witnesses on that subject, the trial court denied that request and reaffirmed its ruling.

Although described as character evidence, the evidence in question is in fact evidence of third party culpability, i.e., evidence that one of the men Rita Cobb was dating or had dated could have been the person who killed her. Once again, defendant failed to make the necessary offer of proof, defendant’s contrary claim notwithstanding. Defendant claimed Rita Cobb was known to date many men, and to have them over to her house. However, he did not offer any facts to support that assertion. On appeal, he cites facts set out in his pretrial motion to dismiss. Defendant did not rely on those facts in arguing the admissibility of the evidence to the trial court, and did not refer to the pretrial motion in arguing the existence and admissibility of evidence regarding what we will refer to as the victim’s lifestyle. Defendant also cites a police report included in his motion for new trial. Because that motion was not filed until after trial, the trial court could not have considered the police report. Defendant claims the trial court “was probably already familiar” with that police report because in an unreported meeting in

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i.e., that he killed Rita Cobb. If the statement were offered to show what if anything the sheriff's department did in response to the WeTip report, the report and its content is not hearsay. Defendant however did not offer the statement for its nonhearsay purpose. Instead, he contends the trial court violated his due process right to present a defense by excluding the hearsay statement from evidence.

Defendant relies on *Chambers v. Mississippi* (1973) 410 U.S. 284 (*Chambers*) to support his claim that hearsay evidence is admissible if its exclusion would deprive defendant of his right to present a defense. Our state Supreme Court explained in *People v. Ayala* (2000) 23 Cal.4th 225, that *Chambers* is limited to the specific facts of that case: "Few rights are more fundamental than that of an accused to present witnesses in his own defense. [Citations.] [But i]n the exercise of this right, the accused, as is required of the State, must comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence." [Citation.] Thus, "[a] defendant does not have a constitutional right to the admission of unreliable hearsay statements." [Citations.] Moreover, both we (*People v. Hawthorne* (1992) 4 Cal.4th 43, 56 []) and the United States Supreme Court (*United States v. Scheffer* (1998) 523 U.S. 303, 316 []) have explained that *Chambers* is closely tied to the facts and the Mississippi evidence law that it considered. *Chambers* is not authority for the result defendant urges here." (*Id.* at p. 269.)

The trial court did not violate defendant's due process right to present a defense by excluding the WeTip report. That report not only was hearsay, it was also provided by an unreliable anonymous source. We cannot say the trial court abused its discretion by

excluding that report from evidence at trial. (*People v. Waidla, supra*, 22 Cal.4th at p. 724.)

D. Victim's Hearsay Statement

Defendant contends the trial court erred by sustaining the prosecutor's hearsay objection when defense counsel asked Bruce Nash if Rita Cobb indicated when she left John and Francesca's house on the night of September 20 she was going somewhere other than home. Defense counsel argued the statement was relevant because Nash would testify, after Cobb declined his offer to drive her home, she said she was going to a bar. The trial court was of the view the statement was hearsay and irrelevant. Trial counsel did not address the hearsay issue. On appeal, defendant argues Cobb's statement to Nash was admissible under *People v. Alcalde* (1944) 24 Cal.2d 177, and Evidence Code section 1250, as a statement of Cobb's intent or statement of mind. We agree with defendant.

The Supreme Court held in *People v. Alcalde, supra*, 24 Cal.2d 177, the murder victim's statement she was going out with Frank was admissible as a statement of her future intent which in turn is circumstantial evidence she acted in accordance with that intent. (*Id.* at pp. 187-188.) As the Supreme Court explained in *People v. Jones* (1996) 13 Cal.4th 535, "the Legislature enacted Evidence Code section 1250, which provides in relevant part that 'evidence of a statement of the declarant's then existing state of mind . . . is not made inadmissible by the hearsay rule when . . . [t]he evidence is offered to prove or explain acts or conduct of the declarant.' The legislative history of section 1250 makes it clear that this provision specifically was intended, in part, to codify the

defense that someone other than defendant killed Cobb. Defendant argued as much in his closing argument.

Although we conclude the trial court erred in excluding Nash's testimony regarding Rita Cobb's statement of intent, that error requires reversal only if it was prejudicial, i.e., if it is reasonably probable the jury would have reached a result more favorable to defendant if Cobb's statement had been admitted into evidence at trial. (Evid. Code, § 354.) Defense counsel effectively argued to the jury that someone other than defendant could have killed Rita Cobb. According to the forensic evidence, Cobb died no later than noon on Saturday but she could have had sex as much as a day and a half before her death. Therefore, she could have had sex with A on Thursday night but then have been killed by B sometime after that. Defense counsel noted there was no evidence to show Cobb had been sexually assaulted. Defendant also argued that Joe Saunders, whose fingerprints were found on a glass in Cobb's kitchen, could have killed Rita Cobb. The excluded evidence does not add anything to defendant's argument.

Accordingly, we conclude the trial court's error in excluding the victim's statement she intended to go to a bar rather than home was harmless.

2.

NEW TRIAL MOTION

Defendant moved for a new trial on the ground he had been denied the effective assistance of counsel. The trial court denied his motion. Defendant contends the trial court erroneously relied solely on trial counsel's performance in court as the basis for

connection between the murder of Rita Cobb and Helen Brooks. In particular, defendant argued that he and the person who killed Helen Brooks have the same rare blood type, one that is found in less than two percent of the population. Unfortunately, Mr. Smith, the attorney who prepared and filed defendant's new trial motion, did not support that assertion with a citation to any of the evidence submitted in support of the motion, or any evidence contained in the trial court record. Therefore, neither the trial court nor this court can determine whether that assertion is accurate.

Mr. Smith also asserted trial counsel was ineffective because he did not retain an expert to review the forensic evidence and to testify at trial. According to the evidence submitted in support of his motion, trial counsel did contact an expert and obtained a cost estimate of \$3,300 to review the evidence. The record does not disclose whether trial counsel actually retained this or any other expert witness. It discloses only that trial counsel did not present expert testimony at trial. Absent a contrary showing by defendant, we must assume trial counsel's decision was sound trial strategy. (*People v. Dennis* (1998) 17 Cal.4th 468, 541.) Because defendant did not show in his new trial motion that expert testimony would have been beneficial to defendant, he has not shown trial counsel's decision was incorrect. (*Ibid.*)

Mr. Smith also argued in the new trial motion that trial counsel was ineffective because he failed to have DNA analysis conducted of hairs that were recovered from Rita Cobb's body and the bed where her body was found. According to the new trial motion one hair included a root that could have been analyzed for DNA. That hair was "completely different, color wise and lengthwise as to [defendant's] hair type." DNA

to show the results of such investigations. The record shows only that trial counsel did not present that evidence at trial.

We will not recount the other ways in which defendant claimed his trial attorney's representation was deficient because defendant did not present sufficient evidence in his motion for new trial to support such a finding. Absent additional evidence, such as a declaration from trial counsel, we cannot determine whether defendant's trial attorney failed to conduct the requisite investigation and preparation, or whether he did so and obtained evidence unfavorable to defendant. In short we simply cannot determine from this record whether trial counsel's representation was deficient. Because defendant failed to establish the first prong of his ineffective assistance of counsel claim the trial court properly denied defendant's motion for new trial.

3.

EVIDENCE OF PRIOR RAPE CLAIMS

Defendant contends the trial court erred when it ruled, if defendant testified at trial, the court would permit the prosecutor to present evidence under Evidence Code section 1108 that two women claimed defendant had raped them, one in 1982 and the other in 1996. Defendant did not testify at trial and as a result the women did not testify.

Because he did not testify, this claim is not preserved for review on appeal. "It is well established that the denial of a motion to exclude impeachment evidence is not reviewable on appeal if the defendant subsequently declines to testify. (See *Luce v. United States* (1984) 469 U.S. 38 [] (*Luce*) [denial of in limine motion to preclude impeachment of the defendant with a prior conviction is not reviewable on appeal if the

constitutional violation. Instead he contends simply that the trial court abused its discretion when it ruled the impeachment evidence was admissible.

Because defendant did not testify, the prior rape evidence was not presented at trial. Defendant contends the threat of the evidence being presented is what made him decide not to testify, and therefore was prejudicial. But that is precisely the rationale of the rule: “[I]f the defendant does not testify, any possible harm from the trial court’s ruling is wholly speculative.” (*People v. Ledesma, supra*, 39 Cal.4th at p. 731-732.) We simply cannot see how this case is distinguishable from *Collins*, notwithstanding defendant’s contrary assertion.

4.

INSTRUCTIONAL ERROR

Defendant contends, and the Attorney General concedes, the trial court’s instruction on the felony-murder special circumstance was incorrect because it did not include the requirement of intent to kill. In 1983, the Supreme Court held in *Carlos v. Superior Court* (1983) 35 Cal.3d 131, intent to kill is an element of the felony-murder special circumstance. The Supreme Court overruled *Carlos* in 1987 in *People v. Anderson* (1987) 43 Cal.3d 1104, 1147, and held that intent to kill must be proven only if the defendant is an aider and abettor. Because the crime here occurred in 1985, *Carlos* applies. (*People v. Wharton* (1991) 53 Cal.3d 522, 586, fn. 16, [intent to kill is a requirement in cases involving a felony-murder special circumstance committed after *Carlos* but before *Anderson*.]) The Attorney General concedes the trial court in this case

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and return the following morning to continue deliberating. His failure to object arguably waives the issue for review on appeal. (*People v. Neuffer* (1994) 30 Cal.App.4th 244, 254.) However, because defendant also claims he was denied the effective assistance of counsel as a result of counsel's failure to object, we will address the merits of his claim.

"The applicable legal principles are well established. Under section 1140, the trial court is precluded from discharging the jury without reaching a verdict unless both parties consent or 'unless, at the expiration of such time as the court may deem proper, it satisfactorily appears that there is no reasonable probability that the jury can agree.' We have explained that '[the] determination whether there is reasonable probability of agreement rests in the sound discretion of the trial court. [Citation.] The court must exercise its power, however, without coercion of the jury, so as to avoid displacing the jury's independent judgment "in favor of considerations of compromise and expediency." [Citation.]' [Citations.]" (*People v. Sheldon* (1989) 48 Cal.3d 935, 959; see also *People v. Neuffer, supra*, 30 Cal.App.4th at p. 254.)

The trial court in this case did not make any coercive remarks or engage in any other conduct directed at persuading the minority jurors to change their minds or acquiesce to the majority view. After questioning the foreperson, who confirmed the jurors had made progress toward reaching a unanimous verdict each day of their deliberations, the trial court simply ordered the jurors to return the following morning and "talk to each other." The court added it would not require the jurors to stay unless they felt like they were making progress. In arguing the trial court's action was coercive, defendant cites the foreperson's statement. when asked why he believed the jury was

deadlocked. that "[e]ach juror has indicated [that] they're solid in their position." The cited fact is the essence of a deadlocked jury; it adds nothing to the analysis. Moreover, as defendant acknowledges, the foreperson also volunteered his view that further discussion might change the count.

Defendant also contends the trial court, before ordering the jurors to continue deliberating, should have instructed the jurors according to CALCRIM No. 3551 not to change their positions just because their opinion is different from that of other jurors or just because other jurors want them to change. Defendant acknowledges that neither his attorney,⁵ nor the prosecutor asked for the instruction. Defendant does not cite any authority to show the trial court should have given the instruction sua sponte. Instead, he relies on *People v. Keenan* (1988) 46 Cal.3d 478, in which the Supreme Court cited the fact the trial court had given such an admonition as additional support for the conclusion the jury's verdict was not the result of coercion. (*Id.* at p. 534.) The trial court's failure to give such an instruction in this case does not alter our conclusion the trial court did not coerce the jurors to reach a verdict of guilt.

Because the trial court's actions were not coercive, there was no reason for defendant's trial counsel to object to the trial court's order directing the jurors to continue deliberating. In other words, defendant has failed to show trial counsel's performance was deficient. Absent such a showing, defendant cannot establish he was denied the

⁵ Defendant's trial attorney apparently was ill so defendant was represented by an attorney specially appearing on behalf of his trial counsel.

DENIAL OF MOTION TO RECUSE DISTRICT ATTORNEY

In September 2010, defendant filed a motion under section 1424 to disqualify the district attorney's office in this case because in his June 2010 reelection campaign, District Attorney Mike Ramos distributed campaign fliers that included a photograph of defendant and the fact of his arrest for the murder of Rita Cobb. Defendant appended one of the campaign fliers to his motion.⁷ The flier includes a photograph of defendant, presumably his booking photo, with the caption, "John Henry Yablonsky [¶] Charged with murder in the 1985 slaying of Lucerne Valley mother Rita M. Cobb—on trial this year by Mike Ramos' Cold Case Unit." Next to the photo of defendant is a quotation, under the caption, printed all in bold letters, "It's Never a 'Cold Case.'" The quotation says, "A case is never cold to the family of a murder victim. That's why I have worked with the Sheriff to start the Cold Case Unit. Using DNA evidence, we have filed murder charges in 19 cold cases. Twenty five years after the crime, Rita Cobb's family will have closure." The quote includes the attribution, "Mike Ramos, District Attorney."

The trial court found defendant failed to make the showing required under section 1424 that the campaign flier created a conflict that rendered it unlikely defendant would receive a fair trial. Therefore, the trial court denied defendant's motion. Defendant

⁷ In his opening brief, defendant cites a second example but that one was attached to his motion for new trial and therefore was not part of the filing the trial court considered in ruling on defendant's motion to disqualify the district attorney's office.

‘especially persuasive’ showing. [Citation.]” (*People v. Gamache* (2010) 48 Cal.4th 347, 361.) “On review of the trial court’s denial of a recusal motion, “[o]ur role is to determine whether there is substantial evidence to support the [trial court’s factual] findings [citation], and, based on those findings, whether the trial court abused its discretion in denying the motion.’ [Citations.]” (*People v. Vasquez, supra*, 39 Cal.4th at p. 56.)

Defendant did not make the required showing in the trial court. Defendant’s only claim in his recusal motion was that as a result of singling defendant out in his campaign literature, the district attorney effectively committed himself to obtaining a conviction in defendant’s case. Defendant did not cite any examples in his moving papers of how the prosecutor’s commitment to a conviction might result in unfair treatment to defendant. Instead defendant submitted his own declaration in which he stated that in June 2010, after the district attorney’s campaign literature was mailed to voters, defendant filed a civil action against the district attorney. Within 24 hours after filing that lawsuit,⁸ defendant claims he was “subjected to intense harassment in the West Valley detention Center, including, but not limited to, repeated and prolonged searches of [his] cell, having [his] court materials thrown about the cell and disorganized, having legal mail compromised, and the repeated denial of my court ordered right to use the law library.”

⁸ Defendant variously identifies the filing date of that lawsuit as June 28, 2010, and July 28, 2010.

the 1985 death of Rita Cobb, as a result of which her family would get closure. The mere existence of the campaign flyer does not support a conclusion defendant was denied the opportunity to negotiate a guilty plea to a lesser charge.

Defendant's need to question prospective jurors about the district attorney's campaign material in an election that occurred six months before trial also does not demonstrate prejudice. That need is not the result of a purported conflict on the part of the district attorney's office. Defendant conducted that questioning presumably to obtain a jury comprised of people who would be fair and impartial. Although defendant contends he was forced to expose the entire prospective jury pool to the district attorney's campaign flyer, that decision was not the result of the district attorney's purported conflict of interest. Moreover, by asking about the campaign flyer during voir dire, defendant presumably obtained a fair and impartial jury, i.e., one comprised of jurors who said they were not affected by the flyer and would base their verdicts only on the evidence presented in court.

In short, defendant has failed to show it is reasonably probable he would have received a more favorable result in this case if the trial court had granted defendant's section 1424 motion and the entire district attorney's office had been recused. Because he has not shown prejudice, we must conclude that even if the trial court had abused its discretion in denying his motion, that purported error is harmless in this case.

status of the defendant in the community, and the popularity and prominence of the victim.” [Citation.]” (*People v. Vieira* (2005) 35 Cal.4th 264, 279.)

Defendant has not made the required showing. Although he purports to address each of the factors set out above, in fact, he focuses on the district attorney’s campaign flyer and its effect on the jurors in his trial. Defendant has shown only that the prospective jurors in the courtroom arguably were tainted as a result of defense counsel displaying the district attorney’s campaign flyer and questioning them about it during jury selection. For example, although defendant mentions pretrial publicity, with respect to size of the community, defendant states that factor is not relevant in this case because all of the jurors were exposed to the campaign mailer. Defendant can only mean all of the jurors in the courtroom. To establish a meritorious motion for change of venue, however, defendant had to show he could not get a fair trial in the County of San Bernardino. (§ 1033.) Defendant has not made that showing.

Moreover, even if we were to conclude otherwise, and were to agree for purposes of this discussion that a motion for change of venue would have been meritorious, defendant has failed to demonstrate prejudice, i.e., it is reasonable defendant would have obtained a more favorable result if his trial had taken place in a different venue. In addressing prejudice, defendant contends the campaign flyer undoubtedly influenced the juror’s deliberations because it effectively amounted to the district attorney vouching for defendant’s guilt. Defendant’s argument is speculation. Moreover, we know from the fact that the juror’s were questioned about the campaign flyer during voir dire that they must have said they could be fair and impartial even though they had seen the flyer.

The Attorney General's concessions are appropriate. Therefore, we will strike the \$10,000 parole revocation fine the trial court imposed on defendant under section 1202.45.

DISPOSITION

Defendant's sentence is modified by striking the \$10,000 fine the trial court imposed under section 1202.45. As modified, the judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

McKINSTER

J.

We concur:

HOLLENHORST

Acting P. J.

KING

J.

52-21

11135

EXHIBIT COVER PAGE

53

EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
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- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

TEA

JP

DADS COPY HABEAS RULE

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

AUG 20 2012

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

BY *B. B. B.*

DEPUTY

In re the Petition of

JOHN H. YABLONSKY,

Petitioner,

for Writ of Habeas Corpus.

Case no. WHCSS 1200311

ORDER REQUESTING INFORMAL
RESPONSE TO CERTAIN CLAIMS
RAISED IN PETITION FOR WRIT OF
HABEAS CORPUS

Petitioner raises twelve claims for relief in a petition for writ of habeas corpus filed on June 21, 2011.¹ He is represented by counsel in an appeal currently pending before Division Two of the Fourth Appellate District of the California Court of Appeal, in case number E055840. The Court takes judicial notice of the Court of Appeal's minutes from that case, as well as the contents of the Superior Court file from petitioner's underlying trial. (Evid. Code, § 452, subd. (d).)

The Court is somewhat limited in its ability to assess petitioner's claims, because the full record of petitioner's trial available is not available for review, and the Court of Appeal has not yet ruled on any claims that may be raised on appeal. Indeed, according to the minutes of the California Court of Appeal, as reflected on the publicly

¹ Petitioner sent another petition for writ of habeas corpus, which was marked by the Clerk of the Superior Court as having been filed on August 9, 2011. Petitioner has attached a document to that petition titled "Motion to Courts to Consider Refiling Habeas Petition." His petition does not need to be filed a second time, as his first petition is currently pending. To the extent that petitioner is moving to amend his habeas corpus petition, that motion is denied. The Clerk is ordered to mark the petition as received but not filed.

531

AT 3

1EA

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1 accessible website maintained by the Administrative Office of the Courts,² the complete
2 record has still not been filed, and the opening brief does not even have a due date.

3 The "screening function" of an informal response is particularly helpful in a case
4 such as petitioner's, where the appellate proceedings are still far from over. An
5 informal response "may demonstrate, by citation of legal authority and by submission
6 of factual materials, that the claims asserted in the habeas corpus petition lack merit and
7 that the court therefore may reject them summarily, without requiring formal pleadings
8 (the return and traverse) or conducting an evidentiary hearing." (*People v. Romero*
9 (1994) 8 Cal. 4th 728, 742.)

10 The Court therefore requests respondent to file an informal response to certain
11 claims in the petition. Respondent may respond to other claims, if it desires to do so,
12 but the Court has preliminarily determined that those claims not addressed below are
13 either procedurally barred from being raised in a habeas corpus petition, or do not set
14 forth a prima facie claim for relief. The Court's specific request is limited to the
15 following questions.

16 Claim One

17 Petitioner argues that the pool of jurors was tainted by the use of his name in
18 reelection campaign materials sent on behalf of the San Bernardino County District
19 Attorney. Respondent is asked to answer the following questions: (1) Was petitioner's
20 name and likeness in fact used in campaign materials in the time shortly before his trial
21 began? (2) If so, did the parties at trial address the impact of those campaign materials?

22 Claim Three

23 Petitioner's third claim alleges trial counsel was ineffective in various ways.

24 ²http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=42&doc_id=2008047&doc

532

AT 4

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1 EA

1 Respondent is requested to answer the following questions: (1) Was the effectiveness of
2 defense counsel Sanders regarding the issue of DNA testing, addressed by the trial
3 court? (2) Did the parties at trial address the alleged confession of a man named
4 "William Backoff" or any other person?

5 Claim Four

6 Petitioner's fourth claim raises allegations of prosecutorial misconduct. He has
7 attached several documents, as "Exhibit D," in support of that claim. Before the Court
8 can determine whether it can reach the merits of the claim, it must determine whether
9 the documents contained in Exhibit D were submitted to the trial court or are otherwise
10 included in the record of petitioner's pending appeal. Respondent is requested to
11 answer that question.

12 Claim Seven

13 Petitioner alleges that various transcripts used at trial were inaccurate, and that
14 his lawyer was ineffective in failing to raise those inaccuracies at trial. Respondent is
15 requested to answer, at a minimum, the following questions: (1) How were the
16 transcripts used? (2) Did defense counsel raise any objections to any of the transcripts
17 used at trial? (3) Did the trial court make any statements or rulings regarding the
18 transcripts? (4) Was the jury given any instructions about how the transcripts were to
19 be used?

20 Claim Nine

21 Petitioner claims that his lawyer was ineffective for not asking certain questions
22 of four prosecution witnesses. Respondent is requested to answer the following
23 questions: (1) Did Bruce Nash testify for the prosecution, and, if so, what efforts were
24 made to cross-examine or otherwise challenge his testimony? (2) Did Daryll Kramer
25 testify for the prosecution, and, if so, what efforts were made to cross-examine or
26 otherwise challenge his testimony? (3) Did John Sullivan testify for the prosecution,

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AT 5

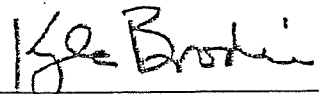
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15A

1 and, if so, what efforts were made to cross-examine or otherwise challenge his
2 testimony? (4) Were there police reports reflecting that fingerprints were found at the
3 scene, and did Detective Alexander testify to the contrary, and, if so, did defense
4 counsel ask any questions about that contradiction? (5) Was there any discussion of a
5 confession by a third party to the crime, and, if so, what efforts (if any) did defense
6 counsel make to admit that confession?

7 As required by California Rules of Court, Rule 4.551, subdivision (b)(2),
8 petitioner is hereby notified that he may reply to the informal response within 15 days
9 from the date of service of the response on petitioner.

10
11 Dated: August 20, 2012



Judge Kyle Brodie

4 26

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ATG

EXHIBIT COVER PAGE

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- GRAND JURY

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA APR 12 2013

2 IN AND FOR THE COUNTY OF SAN BERNARDINO

3 BY B. B. B. DEPUTY

4 In re the Petition of

5 JOHN H. YABLONSKY,

6 Petitioner,

7 for Writ of Habeas Corpus.

Case no. WHCSS 1200311

SECOND ORDER REQUESTING
BRIEFING ON WHETHER PETITION
SHOULD BE STAYED PENDING
RESOLUTION OF APPEAL

8
9 On March 15, 2013, the Court signed an order asking for briefing on whether the
10 petition for writ of habeas corpus should be stayed and extending the deadline by
11 which to issue a ruling. The order was, due to a clerical error, not filed and served on
12 the parties without delay. When the error was brought to light, on April 11, 2013, the
13 order was filed and served on the parties, but, again due to a clerical error, that should
14 not have occurred, as the briefing schedule set forth in the order had already expired.

15 In the meantime, petitioner has filed an order requesting a ruling. Given that the
16 March 15 order was not served on him, his request is entirely understandable.

17 In order to clarify the status of the petition, the Court hereby issues the following
18 order. As noted in the March 15 order, petitioner currently has an appeal pending in
19 the California Court of Appeal. The pendency of that appeal complicates the resolution
20 of the petition for writ of habeas corpus, though (as petitioner notes in his request for a
21 ruling) it does not necessarily preclude the Court from ruling on the petition. However,
22 the Court hereby requests the parties to file supplemental briefing regarding the
23 following question: should the petition for writ of habeas corpus be stayed pending the
24 resolution of petitioner's appeal?

25 The briefing submitted by the parties shall be limited to two pages in length, and
26 is due on May 1, 2013. The order of March 15, 2013, is hereby vacated.

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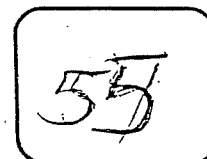
1 In order to provide adequate time for the parties to submit and the Court to
2 consider the further briefing, the Court hereby finds good cause to extend the time
3 limitations of California Rule of Court 4.551. The Court extends the time by which to
4 issue a ruling to and including May 30, 2013. Due to the circumstances set forth above,
5 petitioner's request for a ruling is denied as moot.

6
7 Dated: April 12, 2013

8 Kyle Brodie
9 Judge Kyle Brodie

10
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ATG

EXHIBIT COVER PAGE



EXHIBIT

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- GRAND JURY

1 JOHN HENRY YABLONSKY #AL0373
2 BOX # 409040
3 IONE, CA. 95640
4 PROPRIA_PERSONA

HABEAS PETITION
WHCSS 1200311
criminal FVI900518

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5 SUPERIOR COURT CALIFORNIA
6 SAN BERNARDINO COUNTY

7 JOHN HENRY YABLONSKY
8 PETITIONER

FILED: 6-21-12
THE HONORABLE JUDGE
KYLE BRODIE
DEPT. S-24

9 RE: HABEAS CORPUS WRIT

10 e.g. :MOTION REQUESTING RULING

11 ORDER REQUESTING INFORMAL: AUG-20 2012
12 ORDER CONSIDERING EVIDENTIARY: JAN.-14-2013
13 ORDER FOR EXTENSION OF TIME FOR COURTS TO REVIEW: MARCH-1-2013
14 ORDER WHETHER COURTS SHOULD STAY RULING: APRIL-12-2013

15 JOHN YABLONSKY REQUESTING PARTY
16 ADA FERGUSON FOR RESPONDENT

17 YOUR HONOR:

18 AS PER YOUR ON APRIL 12, 2013 REQUESTING A TWO PAGE BRIEF
19 FROM ALL PARTIES ON WHY THE COURTS SHOULD NOT STAY THE RULING
20 WITH REGARDS TO THIS PETITION UNTIL THE PETITIONERS APPEAL
21 HAS REACHED ITS APSOLUTE RESOLVE, WHICH IS NOW PENDING IN THE
22 FOURTH APPELLATE COURT.

THE ISSUES IN MY APPEAL ARE MATTERS THAT OCCURED ON THE
RECORD, AND ARE BEING REPRESENTED BY COMPETANT COUNSEL FOR
PETITIONER IN THIS INSTANT CASE.
PETITIONER IS INNOCENT OF THESE CHARGES, AND THE RECORDS THAT
WERE GENERATED AND MADE AVAILABLE "AFTER" THE TRIAL, NOW SHOW
THIS RECORD TO BE TRUE AND ACCURATE. I FILED THE PETITION ON
TWELVE GROUNDS THAT I WAS MADE AWARE OF AFTER THE TRIAL WAS OVER.
MY ATTORNEY'S OPEN AND REPLY BRIEFS ALONG WITH THE A.G. BRIEF
MADE AWARE MORE GROUNDS THAT ARE ONLY APPROACHABLE THROUGH THE
HABEAS WRIT. PETITIONER AT THIS TIME WISHES TO NOTIFY THE COURTS
THAT WHILE ADA FERGUSON ARGUED FOR THE STATE, HAD IMPLICATED
FALSE COMMENTS AND ACCUSATIONS, IN AN ATTEMPT TO FALSIFY THE
RECORDS, AND MY ARGUEMENT ALONG WITH MY DISCOVERY SHOW THIS.

GROUND ONE

23 ACCORDING TO THE U.S. V. WILSON 149 f.3d 1298,1301
24 (11th cir. 1998) (A. PROSECUTOR MAY NOT EXPRESS THEIR PERSONAL
25 OPINION ABOUT A DEFENDANTS GUILT OR CREDIBILITY) SO WHEN COUNTY
26 DISTRICT ATTORNEY INGESTED INTO THE HOMES OF [EVERY] REGISTERED
VOTER HIS "PROMISE OF CLOSURE" TO THE VICTIMS FAMILY IN MY
UPCOMING TRIAL "LATER THAT YEAR", WHICH WAS ONLY 49 DAYS AWAY,
WHEN HE PERSONALLY MAILED THREE SEPERATE FLYERS INTO THESE
HOMES, ALL DEPICTING THE EXACT SAME PROMISE "CLOSURE".
CARGLE V. MULLIN 317 f.3d 1196,1218 (10th cir. 2003) (WHERE
PROSECUTORS STATEMENT THAT THE STATE DOES NOT PROSECUTE INNOCENT
PEOPLE) WHICH IS EMPHESIZED BY U.S. V. BESS 593 f.2d 749,754
28 (6th cir. 1979). *THAT A PROSECUTOR MAY NOT SUGGEST GUILT.*

551

AT9

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1 UNDER CAL RULES OF PROFESSIONAL CONDUCT 5-120 AN ATTORNEY
2 IS SUBJECT TO DISCIPLINARY ACTION FOR STATEMENTS MADE ABOUT
3 UPCOMING TRIAL TO THE PUBLIC. THE RULE PROHIBITS EXTRAJUDICIAL
4 STATEMENTS A REASONABLE PERSON WOULD EXPECT TO BE DISSEMINATED
5 BY MEANS OF PUBLIC COMMUNICATIONS, WHEN THE ATTORNEY REASONABLY
6 KNOWS THAT THE STATEMENT WILL HAVE A "SUBSTANCIAL LIKELIHOOD
7 OF MATERIALLY PRODUCING AN ADJUDICATIVE PROCEEDING IN THE MATTER"
8 CAL RULES OF PROF CONDUCT 5-120 (A)

9 THE SUBSTANCIAL LIKELIHOOD TEST HAS BEEN UPHELD AGAINST
10 CONSTITUTIONAL ATTACK. GENTILE V. STATE BAR (1991) 501 US 1030,
11 115 1 ed.2d 888, 111 s.ct. 2720. RULE 5-120 APPLIES EQUALLY TO
12 [PROSECUTORS]. CAL RULES OF PROF COND 5-320, DURING TRIAL, NO
13 ATTORNEY, WHETHER OR NOT CONNECTED WITH THE CASE MAY COMMUNICATE
14 DIRECTLY OR INDIRECTLY WITH A JUROR OR JURORS FAMILY ABOUT THE
15 CASE. PENAL CODE §95 EVERY PERSON WHO CORRUPTLY ATTEMPTS TO
16 INFLUENCE A JUROR OR ANY PERSON, IN RESPECT TO THIS OR HER
17 VERDICT, IN OR DECISION OF, ANY CAUSE OR PROCEEDING, PENDING
18 OR ABOUT TO BE BROUGHT BEFORE HIM OR HER, BY ANY MEANS OF THE
19 FOLLOWING,

20 (B) ANY BOOK, PAPER, OR INSTRUMENT EXHIBITED, OTHERWISE THAN IN
21 THE REGULAR COURSE OF PROCEEDINGS.

22 (A) ANY WRITTEN OR ORAL COMMUNICATIONS EXCEPT IN THE REGULAR
23 COURSE OF PROCEEDINGS.

24 IS PROSECUTABLE IN THE SUPERIOR COURTS FOR JURY CORRUPTION.
25 IN THIS CASE THE PETITIONERS TRIAL HAD BEEN SCHEDULED FOR OVER
26 ONE MONTH PRIOR TO THE DISTRICT ATTORNEYS MAILINGS OF HIS
27 PREJUDICIAL FLYERS, AND THE TRIAL WAS ONLY 49 DAYS FROM THE
28 TIME OF HIS FIRST MAILING.

ONE VENIREMAN

STATED THAT SHE BELIEVED THE COUNTY TO HAVE PROOF OF GUILT
BEFORE THE RUNNING OF A FLYER LIKE THIS (AUG RT 164;24-166;12)

ANOTHER VENIREMAN

STATED THAT YABLONSKY WAS SHAFTED (AUG RT 113;27 - 114;1)

ANOTHER VENIREMAN

STATED THAT IF THERE IS SMOKE THEN THERE IS FIRE
(AUG RT 77;14-17)

SINCE ADA FERGUSON DID NOT REFUTE THIS DISCOVERY AND ACCURATE
INFORMATION WHEN THE PETITIONER INCLUDED THESE DATAS IN HIS REPLY
HE CONCEDES THAT THESE ARE UNDISPUTED FACTS, IN RE LEWALLEN
(1979)23 c3d 274,274,278,152 cr 528;IN RE LAWLER SUPRA.

I HAVE MET MY BURDEN OF PROOF IN RE MIRANDA(2008)43 ca4th
541,544,76 cr3d 172.

PETITIONERS APPEAL ONLY ARGUES WHETHER THE COURTS PREJUDICED
DEFENDANT IN DEFENDANTS MOTION TO RECUSE THE ENTIRE DISTRICT
ATTORNEY OFFICE AND THE DENIAL OF THAT MOTION . THE ONLY VOIR
DIRE QUESTION ABOUT PUBLICITY FROM THE COURT WAS WHETHER
THEY READ ABOUT THE CASE IN THE NEWSPAPER(E.G. AUG. RT35;13-14)

UNDER PEOPLE V. POPE (1979)23 c3d 412,428,152 cr732, THIS
HABEAS COURT HAS AUTHORITY TO GRANT THIS PETITION

552

ATTC

234
ON GROUND ONE WHERE THE COUNTY DISTRICT ATTORNEY RAMOS' ACTIONS SUBSTANTIALLY VIOLATED PETITIONERS CONSTITUTIONAL RIGHTS OF THE CALIFORNIA AND UNITED STATES, AND REQUIRES REVERSAL OF THE VERDICT AND BAR FROM FURTHER PROSECUTION WITH THIS CASE AND ANY OTHER RELIEF THIS COURTS DEEM JUSTIFIABLE.

GROUND THREE

IN GROUND THREE, WHERE TRIAL ATTORNEY DAVE SANDERS FAILED TO TEST EVIDENCES THAT ALLEGEDLY CAME FROM THIS CRIME SCENE, WHEN HE ATTEMPTED TO GENERATE AN ESTIMATE FROM A LOCAL LABORATORY TESTING FACILITY, AND FOLLOW THROUGH WITH THE TESTIGS FOR AUTHENTICITY AND POSSIBLE CONTAMINATION SINCE THE CASE WAS OVER A QUARTER OF A CENTURY OLD AND WAS IN TWO SEPERATE LOCATIONS WHERE THE EXPERT FROM THE TRIAL FOR THE STATE TESTIFIED THAT THE DEFENDANTS DNA WAS AT LEAST ONE AND A HALF DAYS OLDER THAN THE CRIME AND AS MANY AS FIVE DAYS OLDER THAN THE CRIME.

HIS LACK OF ACTION SEVERELY UNDERMINED ANY REASONABLE STRATEGY THAT A REASONABLE ATTORNEY WOULD HAVE CONSIDERED, AND HIS LACK OF JUDGEMENT SEVERELY PREJUDICED HIS CLIENT AND CATASTROPHICALLY DESTROYED ANY POSSIBLE VENUE OF DEFENSE. VIOLATING 6TH AMENDMENT, THE DISTRICT ATTORNEY'S RECORDS REFLECT THAT THERE WAS RED HAIR WITH THE ROOTS ATTACHED, JOSEPH SAUNDERS DNA, GREGORY RANDOLPHS DNA (WILLIAM BACKOFF), PETITIONERS DNA, AND OTHER HAIRS THAT WERE LIFTED OFF THE BODY, ALL CONTAINING DNA POSSIBILITIES, A WATCH PIN.

THIS TESTING WOULD HAVE DRASTICALLY UNDERMINED THE PROSECUTORS CONTENTION " THAT YABLONSKY WAS THE ONLY SUSPECT". PETITIONERS HAIR WAS BLONDE AT THE TIME THIS CRIME TOOK PLACE AT THE AGE OF THE DEFENDANT 22 YEARS OLD. SINCE THE PROSECUTORS EXPERT WITNESS TESTIFIED THAT THE DNA BELONGING TO THE DEFENDANT WAS AT LEAST 1 1/2 DAYS OLDER THAN THIS CRIME AND LESS THEN SEVEN DAYS OLDER (RT 471;4-11 (2)490;25-491;16).

CON CLUDING THAT [YABLONSKY] WAS NOT THERE WHEN THIS CRIME TOOK PLACE AND THAT THIS CRIME WAS IN FACT NOT SEXUALLY MOTIVATED AS YABLONSKY AS THE SUSPECT, ACCORDING TO THE EXPERT TESTIMONY, AND SINCE THE DISTRICT ATTORNEY DID NOT DISPUTE THE EXPERT TESTIMONY, HE CONCEDES THAT THIS TESTIMONY AS FACT AND UNDISPUTABLE.

TRIAL ATTORNEY'S FAILURE, EITHER INFLUENCED BY THE COURTS OR OR THE DA'S OFFICES COERSION, OR HIS OWN LACK OF TRIAL COMPETANCE AS A MURDER TRIAL LITIGATER HAD SEVERELY UNDERMINED HID FUDICIARY DUTY TO UPHOLD HIS CODE OF PROFESSIONAL CONDUCT, AND VIOLATED CONSTITUTIONAL GUARANTEES THAT ARE PROMISED TO THE PETITIONER THROUGHOUT HIS TRIAL. PETITIONER INCLUDED OVER A DOZEN OTHER FAILURES IN HIS REPLY AND RESPONSE TO SHOW THAT THIS ATTORNEY'S ACTIONS FELL FAR BELOW THE REASONABLE BAR OF EXPECTATIONS THAT THE CONSTITUTION MANDATES AS EFFECTIVE REPRESENTATION THE CONSTITUTION DEMANDS OF ATTORNEY'S, IN THE 6TH AMEND. U.S CONST, THROUGH HIS OWN ADMISSIONS THAT HE THE ATTORNEY DAVE SANDERS ADMITTED ON THE RECORD THAT HE HAD SPENT LESS THAN SIX HOURS ON THIS CASE OUTSIDE OF THE COURT ROOM, AND THE DISCOVERY THAT PETITIONER INCLUDED IN HIS RESPONSE SHOWS THAT VIRTUALLY EVERY DECISION, EVERY ACT FELL FAR BELOW ORDINARY PROFESSIONALISMS AND THAT THERE IS NO POSSIBLE WAY THAT HE CAN PASS HIS LACK OF COMPETANCE OFF AS ANY KIND OF STRATEGY, OR TRIAL TACTIC.

UNDER THE STRICKLAND TEST WHERE COUNSELS PERFORMANCE FELL BELOW A STANDARD OF REASONABLENESS AND THAT HIS FAILURE RESULTED IN A TEXTBOOK EXAMPLE OF PREJUDICE THAT SO ERRODED HIS CLIENTS DEFENSE AND DISPARGED HIS DUTY TO PROVIDE CONSTITUTIONALLY

1 ** MANDATED EFFECTIVE REPRESENTATION THROUGHOUT THE ENTIRE
2 PRE TRIAL INVESTIGATIONS, STRICKLAND V. WASHINGTON 466 US 668,
3 104 s ct 2052;80 1 ed2d674(1984) WHERE THE FILLED OUT BUT NOT
4 COMPLETED APPLICATIONS FOR THE TESTING FACILITY PROVE THAT THE
5 ATTORNEY WAS INCAPABLE TO TAKE THOUGHTS AND TURN THEM INTO ACTION
6 THAT WOULD RESEMBLE COMPETANCE, PEOPLE V. WILLIAMS (1988)44 cal
7 3d 883, 937. OR A REASONABLE DEFENSE.

8 UNDER PEOPLE V. POPE(2004) 115 ca 4th 229,237, 8 cr3d 862,
9 (IAC), THE COURTS GIVE DECIDING COURTS THE AUTHORITY TO RULE
10 WHILE MY UNDISPUTED EVIDENCE, THAT ATTORNEY FERGUSON FAILED TO
11 REFUTE ITS VALIDITY OR AUTHENTICITY AS IT APPLIES TO THIS CASE
12 AND SINCE HE REFUSED TO DISPUTE THE EVIDENCE IN THIS CLAIM HE
13 CONCEDES THERE ARE NO DISPUTABLE FACTS. UNDER IN RE LEWALLEN
14 (1979)23 c3d 274,278,,152 cr 528;IN RE LAWLER,SUPRA HE REFUSES TO
15 DISPUTE THE ACCURACY OF MY EVIDENCES AND DOCUMENTS SUBMITTED
16 BY PETITIONER, HE THEN THEREBY CONCEDES THAT THERE ARE ~~NO~~ UN
17 DISPUTABLE FACTS (CITATION).

18 THIS TRIAL ATTORNEY'S ACTION GROSSLY VIOLATED THE FUNDAMENTAL
19 RIGHTS TO CONSTITUTIONALLY MANDATED REPRESENTATION AND DEFEND
20 HIS CLIENT, ALLOWING THE STATE TO PROSECUTE HIS CLIENT WITH
21 UNVALIDATED EVIDENCE. THIS COURT HAS AUTHORITY TO GRANT THIS
22 PETITION AND VACATE THE CRIMINAL CONVICTION THROUGH THIS WRIT
23 ON GROUNDS THREE AND GROUNDS ONE OF THIS PETITION, AND ANY
24 OTHER RELIEF THAT THIS COURT DEEMS JUSTIFIABLE.

25 GROUND FOUR

26 WITH RESPECTS TO GROUND FOUR, WHERE THE ADA DISTRICT
27 ATTORNEY JOHN THOMAS PRESENTED FOUR WITNESSES ON THE STATES
28 BEHALF THAT TESTIFIED FALSELY (PERJURY),WHILE HE HIMSELF STATED
ON THE RECORD THAT HE HADN'T INVESTIGATED A SPECIFIC CASE, WHICH
CONTROLLED CULPABILITY ISSUES HAD HE NOT LIED AND COVERED
PROBATIVE ELEMENTS, ~~HE~~ WOULD HAVE ALLOWED THE PETITIONER TO
INGEST CULPABILITY ISSUES OF A THIRD PARTY. For HALEN BLOARS CASE .

WHILE ONE OF THE PERJURING WITNESSES THAT TESTIFIED FOR THE
STATE WAS A DETECTIVE FOR THE SAN BERNARDINO SHERIFF'S DEPART-
MENT AND WAS ASSIGNED AS THE STATES LEAD INVESTIGATOR FOR THE
PROSECUTING TEAM, DETECTIVE ROBERT ALEXANDER. THIS DETECTIVE
TESTIFIED UNDER OATH THAT THERE WAS NO FINGERPRINT REPORT FROM
THIS CRIME SCENE. THIS EVIDENCE WAS NOT AVAILABLE UNTIL AFTER THE
TRIAL WAS OVER, UNDER PEOPLE V. POPE (1979)23 c3d 412,428,152
cr 732, THESE ARGUEMENTS CANNOT BE ADDRESSED EFFICIENTLY THROUGH
THE APPEALS COURT: PEOPLE V. BAUSTIA (2004) 115 ca4th 229,237
8 cr3d 862,(CHAALLEGING FALSE EVIDENCE THAT WAS MATERIAL FACTOR
, AND UNDER IN RE PRATT(1999) 69 ca4th 1294,82 cr2d 260,

(CHAALLEGING FALSE PHYSICAL EVIDENCE THAT WAS MATERIAL FACTOR)
AND BY PENAL CODE §1473 (b),(1),(c), WHERE A HABEAS WRIT MAY
BE PROSECUTED FOR , BUT NOT LIMITED TO (1) FALSE EVIDENCE THAT
IS SUBSTANCIALY MATERIAL OR PROBATIVE ON THE ISSUE OF GUILT OR
PUNISHMENT WAS INTRODUCED AGAINST A PERSON AT ANY HEARING OR TRIAL
(C) ANY ALLEGATION THAT THE PROSECUTION KNEW OR SHOULD HAVE
KNOWN OF THE FALSE NATURE OF THE EVIDENCE REFERRED IN SUB-
DIVISION (b).

UNDER KILLIAN V. UNITED STATES, 368 US 231 (1961) THE FEDERAL
COURT OUTLINES THE ARENA WHEN FALSE TESTIMONY IS GIVEN IN
VIOLATION OF 14 USC §1001, FEDERAL OBSTRUCTION OF JUSTICE
THAT IS PROSECUTABLE IN THE FEDERAL ARENAS.

235

55.4

AT12

236

1 IT IS BY THE COURTS DECISIONS OF SHIH WEI SU V.
2 FILLION(CITATION OMITTED) THAT ELABORATE ON THE RULINGS AGAINST
3 PROSECUTION THROUGH PROSECUTORIAL MISCONDUCT CLAIMS, WHILE IN THE
4 NAPUE V. ILLINOIS 360 US 264,79 s. ct. 1173, 3 1. ed2d 1217(1959)
5 SCRUTINIZES THE ILLICITATION OF FALSE TESTIMONY BY THE STATES
6 PROSECUTION WITNESSES THAT WEIGH ON WHETHER THE DEFENDANTS GUILT
7 OR INNOCENSE TEETER ON THE TESTIMONIES OF TESTIFYING WITNESSES.

8 MOONEY V. HOLOHAN 294 US 103, 112, s. ct. 1340, 79,
9 a 1. ed2d 791 (1935) DECLARE THAT CONVICTIONS OBTAINED THROUGH
10 FALSE TESTIMONY THE PROSECUTOR KNOWS TO BE FALSE IS REPUGNANT
11 TO THE CONSTITUTION.

12 THE SUPREME COURT MAKES READILY CLEAR THAT PREJUDICE IS READILY
13 SHOWN IN SUCH CASES, AND THE CONVICTION MUST BE SET ASIDE,
14 WHILE THERE IS NO UNRINGING OF THE BELL. ESPECIALLY WHEN THERE
15 IS NO "REASONABLE LIKELIHOOD THAT THE FALSE TESTIMONY COULD ~~HAVE~~ ^W ~~BEEN~~ ^{HAVE}
16 EFFECTED THE JUDGEMENT OF THE JURY".

17 WHEN THE WITNESS BRUCE NASH AND THE WITNESS JOHN SULLIVAN WERE
18 HIDING THE FACT THAT THE VICTIM STATED THAT SHE WAS HEADED TO
19 A BAR IN TOWN CALLED THE ZODIAC AFTER THEIR DRINKING PARTY AT
20 THE SULLIVANS RESIDENCE. THESE LIES PREVENTED THIRD PARTY
21 CULPABILITY ISSUES WHICH WOULD HAVE BEEN SUPPORTED WITH PROBATIVE
22 ELEMENTS HAD THEY TOLD THE TRUTH. IT IS AT THIS BAR WHERE GREGORY
23 RANDOLPH (WILLIAM BACKOFF) CONFESSED TO HAVE PICKED THE VICTIM
24 UP TAKEN HER HOME AND THEN KILLED HER, WHICH HE WAS LATER ARRESTED
25 BUT RELEASED BECAUSE THE EVIDENCE FROM THIS CRIME SCENE HAD NOT
26 YET BEEN PROCESSED.

27 THE PROOF OF THESE LIES ARE IN THE PETITIONERS INFORMAL RESPONSE
28 THROUGH THE DISCOVERY INCLUDED AND THE LOCATION OF THE TESTIMONIES
THROUGHOUT THE TRIAL.

AGAIN THE DISTRICT ATTORNEY FAILED TO REFUTE THE EVIDENCE
I DISCLOSED, OR THE VALIDITY AND ACCURACY OF THESE DOCUMENTS IN
HIS INFORMAL BRIEF OR OTHERWISE, THEREFORE IN RE LEWALLEN
(CITATION OMMITTED), AND IN RE LAWLER, SUPRA, HE DEEMS THESE
FACTS AS UNDISPUTABLE.

THESE MATTERS WERE NOT A MATTER IN THE PETITIONERS APPEAL, AND
ARE EFFICIENTLY APPROACHABLE IN THE HABEAS WRIT. UNDER PEOPLE V..
POPE (CITATION OMMITTED) : PEOPLE V. BAUSTIA (CITATION OMMITTED)
THESE ARGUMENTS ARE BEST BROUGHT IN THE HABEAS COURTS THROUGH
THE GREAT WRIT. IN RE LAWLEY(2008) 42 ca4th 1231, 1238,74 cr3d 92
IN RE BELL (2007)42 ca4th 630, 637, 67 cr 781,;IN RE HARDY(2007)
41 ca4th 977, 1016, 63 cr3d 845, COURTS THE FALSE TESTINONIES
SHOULD BE BROUGHT INTO THE HABEAS ARENE.

IT IS UNETHICAL FOR AN ATTORNEY TO LIE OR MISLEAD THE COURT
BUS. + PC §6068 (d); CAL RULES OF PROF CONDUCT 5-200(b):,
DI SABATINO V. STATE BAR (1980)27 c3d 159,162,cr 458. IT IS A
FELONY TO PRODUCE A FALSE BOOK , PAPER , WRITTING, OR OTHER MATTER
WITH THE INTENT IT WILL BE INTRODUCED FOR FRAUDULANT OR DECEIT-
FUL PURPOSES AT ANY TRIAL.

PENAL CODE § 127 SUBORNATION OF PERJURY, EVERY PERSON WHO
WILLFULLY PROCURES ANOTHER PERSON TO COMIT PERJURY IS GUILTY
OF SUBORNATION OF PERJURY. BOTH BRUCE NASH(RT (AREA)414) AND
JOHN SULLIVAN(RT(AREA)432) ADMIT TO BEING COACHED THE FRIDAY
BEFORE TESTIFYING AS TO WHAT TO SAY ON THE STAND, ADMITTING THAT
THEY WERE COACHED BY THE PROSECUTION TEAM,i.e. THE DISTRICT
ATTORNEY JOHN THOMAS AND THE STATES LEAD INVESTIGATOR ROBERT
ALEXANDER , A SAN BERNARDINO COUNTY SHERIFF.

THE STATES PROSECUTION TEAM SERIOUSLY VIOLATED PETITIONERS RIGHTS
OF THE CALIFORNIA AND UNITED STATES CONSTITUTION, WHILE VIOLATING

55:5

AT13

237

1 PENAL LAWS , PROFESSIONAL LAWS , CODES OF CONDUCT , AND RULES
2 GOVERNED BY THE AMERICAN BAR ASSOCIATION.
3 IT IS THIS COURTS AUTHORITY TO REVERSE THIS CONVICTION AND BAR
4 FURTHER PROSECUTION WITH THIS CASE. PETITIONER PRAYS THIS WRIT BE
5 GRANTED ON GROUNDS FOUR , THREE AND ONE OF THIS HABEAS PETITION
6 AND ANY OTHER RELIEF THAT THIS COURT DEEMS JUSTIFIABLE.

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GROUND SEVEN

WITH GROUND SEVEN, WHERE THE TRIAL ATTORNEY DAVE SANDERS GAVE THE PETITIONER ONLY 300 (THREE HUNDRED) PAGES OF THE FOUR THOUSAND PAGES THAT WERE ACTUALLY AVAILABLE, WHEN THE PETITIONER ASKED FOR [ALL] OF THE DISCOVERY TO THIS CASE. IN THE DISCOVERY HE GAVE ME THERE WAS A COPY OF THE INTERROGATION, A COPY OF THE JAILHOUSE PHONE CONVERSATIONS, A COPY OF AN INTERVIEW WITH AN EX MOTHER INLAW, AND MY EX WIFE. AFTER READING THESE TRANSCRIPTS I NOTICED THAT THERE WAS "ALOT" OF THE INTERROGATION THAT WAS MISSING AND THAT THE PHONE TRANSCRIPTS WERE ALSO INACCURATE.

I PHONED DAVE SANDERS AT HIS OFFICE AND DISCLOSED THESE DISCREPANCIES TO HIM, "WHAT I KNEW" TO BE MISSING FROM MY INTERROGATION, AREAS THAT SHOWED THAT THEY KNEW THAT MY PINTO WAS BLUE AND THAT I WAS UNDER ARREST BY THE DENIALS OF ALLOWING ME TO TERMINATE THE INTERROGATION, AND THAT I REPEATEDLY OFFERED A NON-CUSTODIAL PLACE TO CONTINUE THE INTERROGATION.

I TOLD THE ATTORNEY THAT THE PHONE CALLS WERE ALSO VERY INACCURATE AND THAT I WAS VERY CONCERNED. THE ATTORNEY TOLD ME THAT THE TRANSCRIPTS WERE ONLY INTERPRETATIONS AND THAT IF THIS CASE WENT TO TRIAL THAT VERBATIM TRANSCRIPTS WOULD BE USED.

IN THE INTERROGATION THERE WAS SEVERAL ARGUEMENTS ABOUT MY INVOLVEMENT AND THAT THERE WAS A MAN NAMED FRANK LEFTWICH THAT I PERSONALLY HAD TAKEN OFF THE PROPERTY TO PROTECT MRS. COBB. THAT ON BOTH OCCAISIONS MR. LEFTWICH WAS EXTREMELY DRUNK AND

THAT I HAD TO FORCE HIM OFF OF THE PROPERTY AND ESCORT HIM TO TOWN, ONCE I'D DRIVEN HIM IN THE BACK OF MY TRUCK AND THE OTHER I FOLLOWED IN MY TRUCK AS HE WALKED, AND AFTER A MILE OR SO I JUST TOOK OFF. THAT ON ONE OCCAISION MRS. COBB HAD ASKED IF I WOULD HELP HER TO STOP HER SON FROM BEATING ON HER, AMONG THE OTHER ARGUEMENTS THAT I HAD WITH THESE DETECTIVES.

DURING THE TRIAL I NOTICED THAT THERE WAS OVER TWENTY PAGES MISSING FROM THE PROJECTORS PAGE COUNTER, AND WHEN THE INTERROGATION WAS PLAYED EVEN MORE OF THE RECORDING HAD BEEN ERASED AND MISSING. I ASKED THE ATTORNEY WHY AND HE SAID HE GAVE THEM PERMISSION TO DO THIS. THE STATE PLAYED THE INTERROGATION THAT LEFT OUT VERY IMPORTANT FACTS, ONE THAT WAS LEFT OUT WAS THAT I OWNED A BLUE PINTO, WHILE THE STATE PRESENTED ONE WITNESS THAT TESTIFIED THAT SHE SEEN A SILVER PINTO AT THE CRIME SCENE.

I NEVER AUTHORIZED NOR GAVE PERMISSION TO DAMAGE, ALTER OR ERASE ANY PART, PORTION OR WORDING FROM THIS INTERROGATION.

I WAS TOLD AFTER THE TRIAL THAT MY ATTORNEY, ADA THOMAS, AND THE DETECTIVE ALTERED THESE RECORDINGS. THE DAMAGED PORTION WOULD HAVE BEEN ABLE TO IMPEACH THE STATES WITNESS OR AT THE VERY LEAST UNDERMINE THEIR WITNESS THAT SAID SHE SEEN A SILVER PINTO AT THE CRIME SCENE WHEN THE CRIME WAS ALLEGEDLY BEING COMMITTED AND SINCE I DID NOT OWN A SILVER PINTO, THIS COULD HAVE PROVEN THAT I WAS IN FACT NOT AT THE SCENE WHEN THIS CRIME WAS BEING COMMITTE

55-6

AT 14

238

1 IT IS IN THE FONVILLE COURTS THAT RECORDINGS MUST BE
2 VERIFIED FOR AUTHENTICITY BEFORE THEY CAN BE ENTERED INTO
3 EVIDENCE FOR THE TRIAL. PEOPLE V. FONVILLE, 111 cal. rptr.53,
4 35 cal. app. 3d 693,(cal app 5th 1973): PEOPLE V. GALLEGOS (1977)
5 4 cal. 3d 242, 249-50, 93 cal rptr 292,481 p.2d 237. (UNDOUBT
6 ABLY THE USUSAL WAY OF LAYING A FOUNDATION FOR THE PLAYING OF
7 A RECORDING IS TO CALL ONE OF THE PARTICIPANTS OR A MONITOR
8 TO TESTIFY THE CONVERSATION WAS ACCURATELY RECORDED AND TRANS
9 CRIBED): PEOPLE V. FINCH (1963)216 cal app2d 444,452-454,
10 30 cal rptr 901,cert. den. 379 US 871 s.ct. 16,13 1 ed.2d 77).

11 EVIDENCE CODE§403(a)(3)(4) (THE PROPONENT OF THE PROFFERED
12 EVIDENCE HAS THE BURDEN OF PRODUCING EVIDENCE AS TO THE EXISTANCE
13 OF THE PREL:IMINARY FACT, WHEN~~XXXXXX~~, AND PROFFERED
14 EVIDENCE IS IN ADMISSABLE UNLESS THE COURT FINDS THAT THERE
15 IS EVIDENCE TO SUSTAIN A SUFFICIENT FINDING OF THE EXISTANCE OF
16 THE PRELIMINARY FACT,WHEN THE: PRELIMINARY FACT IS THE AUTHEN
17 TICITY OF A WRITING: OR THE PROFFERED EVIDENCE IS OF A STATEMENT
18 OR OTHER CONDUCT OF A PARTIGULAR PERSON, AND THE PRELIMINARY
19 IS WHETHER THAT PERSON MADE THE STATEMENT OR SO CONDUCTED IT
20 HIMSELF).

21 EVIDENCE CODE § 1421(A WRITING REFERS TO OR STATES MATTERS
22 THAT ARE UNLIKELY TO BE KNOWN TO ANYONE ELSE OTHER THAN THE
23 AUTHOR THEMSELF WHO IS CLAIMED TO THE PROPONENT OF THE EVIDENCE
24 TO BE THE ACTUAL AUTHOR).

25 CALIFORNIA V. TROMBETTA 476 US 479(1984) COURTS DEEM THAT IF
26 THE AUTHENTICITY OF THE EVIDENCE CANNOT BE PRODUCED, OR RE
27 CREATED TO IT'S ORIGINAL VERSION, THAT IT MUST BE DISMISSED FROM
28 THE CASE AT HAND , WHILE ALLOWING CONTAMINATED EVIDENCE , ALTERED
AND DOCTORED EVIDENCE INTO A TRIAL VIOLATES DUE PROCESS CLAUSES
OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

UNITED STATES V. AGURS,427 US 97,(1976): BRADY V. MARYLAND
373 US 83(1963) INGESTS QUESTIONS THAT OF , AUTHENTICITY MUST
BE QUESTIONED WHETHER THE FOURTEENIH AMENDMENT ALSO DEMANDS
THAT THE STATE PRESERVE[ALL] EXCULPATORY EVIDENCE ON BEHALF
OF THE DEFENDANT.

PENAL CODE § 132 (EVERY PERSON WHO UPON ANY PROCEEDING , INQUIRY
OR INVESTIGATION WHATEVER, AUTHORIZED OR PERMITTED BY LAW,
OFFERS INTO EVIDENCE AS GENUINE OR TRUE, ANY BOOK, PAPER, DOCUMENT
OR RECORD OR OTHER INSTRUMENT OF WRITING KNOWING THE SAME TO HAVE
BEEN FORGED OR FRAUDJLENTLY ALTERED OR ANTEDATED, IS GUILTY OF
A FELONY).

PENAL CODE §182 (a)(1)(2)(5)(, (a) IF TWO OR MORE PERSONS
CONSPIRE:(1) TO COMIT ANY CRIME,; (2) FALSELY AND MALICIOUSLY TO
INDICT ANOTHER FOR ANY CRIME OR TO PRODUCE ANOTHER TO BE CHARGED
OR ARRESTED FOR ANY CRIME,; (5) TO COMIT ANY ACT INJURIOUS TO
THE PUBLIC HEALTH, TO PUBLIC MORALS, OR TO PERVERT OR OBSTRUCT
JUSTICE, OR THE DUE ADMINISTRATION OF LAWS ARE GUILTY OF
CONSPIRACY TO COMIT A FELONY AND IS PROSECUTABLE IN THE SUPERIOR
COURTS.

WHEN THE INFORMAL RESPONSE BY THE ADA FERGUSON DID NOT REFUTE OR
CONTEST MY EVIDENCE WHEN SUBMITTED, HE CONCEDES THERE ARE NO
DISPUTABLE FACTS, IN RE LEWALLEN(CITATION OMMITTED),:IN RE
LAWLER SUPRA, IN RE MIRANDA(CITATION OMMITTED) THESE COURTS HAVE
THE AUTHORITY TO RULE .I HAVE MET MY BURDEN OF PROOF.

UNDER PEOPLE V. POPE(CITATION OMMITTED) THIS COURT HAS
AUTHORITY TO RULE WITH REGARDS TO GROUND SEVEN, FOJR, THREE,
ONE, VACATE THIS CRIMINAL CONVICTION AND ANY OTHER RELIEF THIS
COURT DEEMS JUSTIFIABLE.

motion to rule 7

55-7

AT 15

GROUND NINE

1
2 WITH REGARDS TO GROUND NINE, WHERE THE TRIAL ATTORNEY
3 DAVE SANDERS FAILED TO CHALLENGE STATES LYING WITNESSES AS THEY
4 TESTIFIED FALSELY UNDER OATH, AND BY THIS FAILURE TO OBJECT
5 WHEN BRUCE NASH LIED ON THE STAND ABOUT ~~THE~~ LAST KNOWN DESTINATION
6 OF RITA COBB, HIS FAILURE TO CHALLENGE THE STATES LYING WITNESS
7 HE BOLSTERED THE PROSECUTIONS INJECTION OF FALSE EVIDENCE WHEN THE
8 RECORDS WERE AVAILABLE TO OBJECT SUCCESSFULLY, AND IMPEACH THE
9 WITNESS.

10 WHEN JOHN SULLIVAN LIED FALSELY ABOUT THE LAST KNOWN DESTINATION
11 OF RITA COBB, DEFENSE COUNSELS FAILURE TO OBJECT TO
12 CHALLENGE THE STATES LYING WITNESS, HE BOLSTERED THE PROSECUTION
13 INJECTION OF FALSE EVIDENCE WHEN THE RECORDS WERE AVAILABLE TO
14 DEFENSE COUNSEL TO IMPEACH JOHN SULLIVAN.

15 WHEN DARYL KRAMER LIED TO THE JURY ABOUT HIS RELATIONSHIP WITH
16 HIS MOTHER THE VICTIM, DEFENSE COUNSEL FAILED TO OBJECT WHEN THE
17 RECORDS WERE AVAILABLE TO CHALLENGE STATES LYING WITNESS, THE
18 ATTORNEY'S FAILURE BOLSTERED THE STATES EVIDENCE EVEN WHEN THE
19 EVIDENCE WAS FALSE.

20 WHEN THE DETECTIVE ROBERT ALEXANDER, STATES LEAD INVESTIGATOR
21 LIED TO THE JURY ABOUT THE EXISTANCE OF THE FINGERPRINT REPORT
22 WHICH WAS GENERATED FROM THIS CRIME SCENE, TELLING THEM THAT "NO"
23 FINGERPRINT REPORT EXISTS, DEFENSE COUNSEL FAILED TO OBJECT WHEN
24 THE EVIDENCE WAS AVAILABLE TO IMPEACH THIS LYING WITNESS. THIS LIE
25 CORRUPTLY COVERED THE FACT THAT EXCULPATORY EVIDENCE WAS BEING
26 WITHHELD FROM THE DEFENDANT, AND THAT THIS FINGERPRINT REPORT
27 HELD PROBATIVE ELEMENTS TO THIRD PARTY CULPABILITY ISSUES.

28 UNDER PEOPLE V. POPE (CITATION OMITTED) THIS ACT CAN BEST BE
ADDRESSED IN THE HABEAS COURT SINCE THE EVIDENCE OF THIS FAILURE
WAS NOT MADE AVAILABLE UNTIL AFTER THE TRIAL. BY IN RE LAWLEY
(CITATION OMITTED) : IN RE BELL (CITATION OMITTED): IN RE
BEEBEE HARDY (CITATION OMITTED) THAT PETITIONER IS ASSERTING ACTUAL
INNOCENCE, AND THE NEWLY DISCOVERED EVIDENCE MADE AVAILABLE AFTER
THE TRIAL ASSERTS THIS COURTS OBLIGATION WITH REGARDS TO THIS
CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL.
UNDER THE STRICKLAND TEST, COUNSELS FAILURE TO OBJECT TO ANY OF
THE FIVE LYING WITNESSES FELL FAR BELOW THE REASONABLE EXPECTATION
OF AN ATTORNEY'S COURT ROOM BEHAVIOR OR PROCEEDURE, AND THE SECOND
PORTION OF THE TEST OF THE TWO PHASE PRONGS SHOWS, THAT THE OBJECT
ION TO STATES LYING WITNESSES WOULD HAVE PROVED THAT THE DISTRICT
ATTORNEY DID INVESTIGATE THE HELEN BROOKS CASE. THAT THE OBJECTION
TO BRUCE NASH, AND JOHN SULLIVAN WOULD HAVE PROVED THAT THE
VICTIM WAS HEADED TO THE ZODIAC BAR, WHERE SHE HAD MET UP WITH
GREGORY RANDOLPH, AND THAT IS WHEN HE TOOK HER HOME AND KILLED
HER AND MUTILATED HER BODY. THE OBJECTION WOULD HAVE PROVEN
THAT THERE WAS IN FACT A FINGERPRINT REPORT THAT WAS GENERATED
FROM THIS CRIME SCENE AND THE RESULTS FROM THAT REPORT WOULD HAVE
PROVEN PROBATIVE ELEMENTS THAT WOULD HAVE SUPPORTED THIRD PARTY
CULPABILITY ISSUES WHEN THE DISTRICT ATTORNEY'S LEAD INVESTIGATOR
HID THE REPORT WHEN HE WAS ASKED AND HE DECIDED TO LIE AND SAY
THERE WAS NO SUCH REPORT, WHY WOULDN'T IT SUPPORT CULPABILITY
ISSUES SINCE THE PERSON HIMSELF STATED THAT HE WAS INVITED TO
THE VICTIMS HOME AFTER THE PARTY, BUT HE DID NOT GO?

THEN WHEN THE VICTIMS SON STATED THAT HIS RELATIONS WERE GOOD,
BUT FORGOT TO SAY HE WAS INTERRUPTED BEATING HIS MOM.

motion to rule 8

239

558

AT 16

240

1 ALL OF THESE PERJURIES PERVERTED THE ENTIRE
2 POOL OF JURORS WITH LIES AND DECEIT WHERE THEY COULD NOT TELL
3 WHAT THE REAL TRUTH REALLY WAS, BEING SEVERELY PREJUDICIAL TO THE
4 DEFENDANT IN THIS CASE BY THE ATTORNEY'S LACK OF COMPETANT
5 ACTION AND FAILURE TO COMPLY WITH ORDINARY COURT ROOM BEHAVIOR
6 AND BY THE COURTS OF ,IN RE LEWALLEN (CITATION OMMITTED): IN RE
7 LAWLER, SUPRA, BY ADA FERGUSONS FAILURE TO REFUTE THE PETITIONERS
8 DISCOVERY HE CONCEDES THAT THE EVIDENCE IS UN DISPUTABLE, AND THIS
9 COURT SHOULD RULE APPROPRIATELY WITH REGARDS TO GROUNDS NINE,
10 SEVEN, FOUR THREE, AND ONE, WITH REGARDS TO THIS PETITION
11 IN THIS JURISDICTIONAL COURT THE SUPERIOR COURT OF CALIFORNIA
12 IN THE COUNTY OF SAN BERNARDINO CASE NUMBER # WHCSS 1200311.

~~petitioner asks the court to grant this~~

13 PETITIONER NOW PRAYS THIS COURT TO RULE ON THE ABOVE FIVE GROUNDS
14 AND EITHER GRANT THIS PETITION AND ORDER A NEW TRIAL , ALLOWING
15 ALL OF THESE EVIDENCE. GRANT THIS PETITION AND VACATE THIS
16 CRIMINAL CONVICTION AND BAR THE STATE FROM FURTHER PROSECUTIONS
17 WITH REGARDS TO THIS CASE.

18 GRANT THIS PETITION AND ANY OTHER RELIEF THAT THIS COURT SEEMS
19 JUSTIFIABLE.

20 OR GRANT THE PETITIONER A STAY ON THIS PETITION TO
21 ALLOW HIM TO AMEND HIS PETITION WITH THE OTHER THIRTEEN GROUNDS
22 THE PETITIONER NOW HAS THE EVIDENCE AND THE KNOWLEDGE TO APPROACH
23 THIS COURT WITH REGARDS TO THESE GROUNDS ,SHOWING PRIMA FACIE
24 STANDING, AND ALLOW HIM (90) DAYS, NINETY DAYS TO PRESENT THIS
25 EXPANDED RECORD.

26 UNDER PENALTY OF PERJURY THE PETITIONER IN
27 THIS INSTANT CASE SWEARS THAT EVERY WORD IN THIS MOTION TO TRUE
28 AND ACCURATE TO THE BEST OF THE PETITIONERS ABILITY.

RESPECTFULLY:

55.9

MOTION TO RULE 9

AT 17

EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

3147

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO

JUN 12 2013

BY *Jerry L. Simpson*
JERRY L. SIMPSON, DEPUTY

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN BERNARDINO

3
4 In re the Petition of
5 JOHN H. YABLONSKY,
6 Petitioner,
7 for Writ of Habeas Corpus.

Case no. WHCSS 1200311

ORDER DECLINING TO STAY
PETITION AND EXTENDING TIME
LIMITATIONS BY WHICH TO ISSUE
RULING

8
9 For reasons already set forth in prior orders, the Court was considering staying
10 the petition pending a resolution of petitioner's appeal. The Court invited the parties to
11 address whether the petition should be stayed. Respondent takes the position that the
12 Court should not stay the petition. Petitioner filed a document titled "(rebuttal
13 summation)" which does not directly respond to the Court's question, but does state
14 that respondent sent a document "to the wrong address." In the interest of ensuring
15 petitioner had an adequate time to respond to the question of whether the petition
16 should be stayed, the Court waited for any further pleadings to arrive. None has.

DENIAL OF
EXPANSION
OF
RECORD

17 Having considered respondent's argument and petitioner's "rebuttal
18 summation," the Court has determined that a stay is not warranted. Accordingly, the
19 Court will issue a ruling on the petition within the meaning of California Rule of Court
20 4.551, subdivision (a)(4), within thirty days of this order.

21 The parties are admonished that no further pleadings regarding the merits of the
22 claims will be considered by the Court unless the Court expressly grants permission to
23 file them.



Kyle Brodie

56-1

24 Dated: June 12, 2013

Judge Kyle Brodie

AT 10

EXHIBIT COVER PAGE

57

EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

JUL 12 2013

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN BERNARDINO
3
4 BY *Sherril L. Simpson*
5 SHERRI L. SIMPSON, DEPUTY

6 In re the Petition of
7 JOHN H. YABLONSKY,
8 Petitioner,
9 for Writ of Habeas Corpus.

Case no. WHCSS 1200311
ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS

10 Following a jury trial, petitioner was convicted of first degree murder, and a
11 special circumstance that the murder occurred during the course of a rape was found to
12 be true. Petitioner was sentenced to life in prison without the possibility of parole. He
13 filed a notice of appeal, and is represented by counsel in an appeal currently pending
14 before Division Two of the Fourth Appellate District of the California Court of Appeal, in
15 case number E055840. The Court takes judicial notice of the court of appeal's minutes
16 from that case, as well as the contents of the superior court file from petitioner's
17 underlying trial. (Evid. Code, § 452, subd. (d).) As of the date of this order, petitioner's
18 appeal has been fully briefed and is awaiting a calendar date for oral argument.

19 In the meantime, petitioner has filed a petition for writ of habeas corpus, raising
20 twelve claims for relief. The Court requested an informal response from respondent, and
21 petitioner filed a reply. Petitioner has also filed many other documents, including a
22 second habeas corpus petition on August 9, 2012, and a host of pleadings making
23 various requests, presenting additional arguments, and discussing other potential (but
24 not always specified) claims.

25 The resolution of the petition is complicated by several circumstances, most
26 significantly that petitioner's appeal is still pending. The Court therefore does not have

57-1

AT 19 =

1 available (for example) the court of appeal's distillation of the facts of petitioner's crime.
2 The Court also does not have the court of appeal's view of the strength of the evidence,
3 or what errors might have occurred and the potential prejudice from those errors. Also,
4 the Court is mindful of the fact that if petitioner can convince the court of appeal that a
5 reversible error occurred at his trial, his petition for writ of habeas corpus will almost
6 certainly be rendered moot. Because of the pending appeal, the Court considered staying
7 the petition and asked the parties to submit briefing on that subject. Respondent did so,
8 asking that the petition not be stayed. Petitioner did not file a response to the Court's
9 request, despite having been given additional time beyond that initially granted to do so.
10 The Court then issued an order indicating its tentative decision that the petition should
11 not be stayed.

12 In that order, the Court specifically admonished the parties that no further
13 pleadings would be considered unless the Court granted permission to file them. Despite
14 that admonition, petitioner later sent the Court a document in which he calls a "Motion
15 Requesting Ruling," or, alternatively, a "Motion to Rule." The Court has reviewed the
16 document, despite it being untimely, in the interest of affording petitioner every
17 opportunity to make his position known regarding whether his petition should be
18 stayed. His response is long (eleven typewritten, single-spaced pages, far exceeding the
19 two pages that the Court had allowed – though respondent also exceeded that limit, so
20 perhaps the Court's expectation that the issue could be addressed in two pages was
21 unrealistic). In the end, both parties agree that the petition should not be stayed.

22 Because of the many pleadings submitted by petitioner since his petition was
23 filed, it is important to emphasize that the Court's ruling is based on the petition that
24 petitioner originally filed.

The court will determine the appropriate disposition of a petition for writ
of habeas corpus based on the allegations of the petition as originally filed

57-2
AT 20

1 and any amended or supplemental petition for which leave to file has been
2 granted. [1] The court determines on the basis of the allegations of the
3 original petition and the amended or supplemental petition, if any, as well
4 as the supporting documentary evidence and/or affidavits, which should
5 be attached if available, whether a prima facie case entitling the petitioner
6 to relief if the allegations are proven has been stated.

7 (*In re Clark* (1993) 5 Cal.4th 750, 781, fn. 16, emphasis added.) The Court will consider,
8 as an amendment to the petition, the exhibits which petitioner attached to his pleading
9 of August 9, 2012.¹ Any arguments raised in other pleadings are not deemed to have
10 raised new claims for relief. 2

11 Respondent has set forth a detailed factual summary of the evidence against
12 petitioner in its informal response. Petitioner has not disputed it, as such, in his reply.
13 He does disagree with many of respondent's positions and conclusions, but he does not
14 dispute² the core of the evidence against him. 3

15 As a general rule, the pendency of an appeal precludes a lower court from taking
16 any action which would interfere with the judgment under review. (*In re Carpenter*
17

18 ¹ Respondent notes in its informal response that petitioner relied on the exhibits submitted with
19 the second petition, and makes the respectful suggestion that the resolution of the issues would
20 be facilitated by considering those documents. Respondent's suggestion is well taken. Petitioner,
21 for his part, does not object to considering the materials submitted with his August 9, 2012,
22 pleading.

23 ² By "does not dispute," the Court does not mean to imply that petitioner concedes the accuracy
24 and completeness of the testimony elicited by the prosecution. To the contrary, petitioner
25 accuses various witnesses of perjury, and vigorously argues over what the testimony did or did
26 not show, and what inferences can be drawn from it. Petitioner also emphatically disputes
nearly every legal argument respondent raises, going so far as to call the Deputy District
Attorney who prepared the informal response a "liar" who "should be ashamed of himself as a
public servant." (He then proceeds to thank "all parties" for their "patience and
professionalism," an expression of gratitude inconsistent with the insults which immediately
precede it.) What matters here, for the purposes of resolving the petition, is that petitioner does
not show respondent's factual summary of the evidence presented at trial to be inaccurate in any
material way.

57-3

HT 21

1 (1995) 9 Cal.4th 634, 645-646; *People v. Mayfield* (1993) 5 Cal.4th 220, 224-225.)

2 However, despite that general rule, claims which do not rely on the appellate record and
3 claims of ineffective assistance of counsel may be raised in a habeas corpus petition
4 despite the fact that petitioner's appeal is currently pending. (*In re Carpenter, supra*, 9
5 Cal.4th at p. 646.)

6 In setting forth petitioner's claims, the Court has liberally construed his pro se
7 pleading. (*Estelle v. Gamble* (1976) 429 U.S. 97, 106.) The Court addresses each one in
8 turn.

9 Claim One

10 Petitioner's first claim is that his rights were violated when the San Bernardino
11 County District Attorney used his name and photograph in campaign materials that
12 were mailed while his trial was pending. The material in question was discussed at trial,
and any claim regarding the impact of that material can be litigated on appeal. This
14 Court therefore lacks jurisdiction to consider the claim. (*In re Carpenter, supra*, 9
15 Cal.4th at pp. 645-646.)

16 Claim Two

17 Petitioner's second claim is that recordings of his interrogation were altered
18 before being shown to the jury. The alteration in question, according to petitioner, is
19 that law enforcement officers told petitioner they knew he owned a blue Pinto.
20 Petitioner alleges the altered recording would have impeached the witness who testified
21 about seeing a silver Pinto.

22 Respondent alleges, and the excerpts of the interview transcript supplied by
23 petitioner confirm, that petitioner admitted possessing a "dark blue" Pinto. Presumably,
24 any variance regarding the color of the Pinto was fully presented to the jury, and, more
to the point, there is nothing to suggest any evidence was altered by the prosecution.

26 Petitioner bears a "heavy burden" to "plead sufficient grounds for relief[.]" (*People v.*

57.4

AT 22

1 Duvall (1995) 9 Cal.4th 464, 474, emphasis in original.) Conclusory allegations
2 unsupported by facts stated with particularity do not warrant habeas corpus relief. (*Id.*;
3 see also *In re Swain* (1949) 34 Cal.2d 300, 304.) Petitioner's contention about the
4 altered recordings do not meet his pleading burden.

5 **Claim Three**

6 Petitioner's third claim is that his trial counsel was ineffective for failing to
7 investigate "all areas of the case in support of a defense," including conducting his own
8 DNA tests of the evidence. There appears to be no dispute that the DNA evidence
9 admitted by the prosecution constituted a very important part of the case against
10 petitioner. Petitioner, for example, contends "The entire case evolved over DNA." The
11 prosecution similarly refers to the evidence as "vital." Given that prosecution had
12 charged petitioner with committing a murder in the course of raping his victim, those
13 characterizations are correct: the presence of petitioner's DNA in the sperm cells found
14 in and under the victim were powerful evidence of his guilt.

15 In order to establish he is entitled to habeas corpus relief, petitioner must
16 demonstrate that his counsel's performance was deficient, and that the deficient
17 performance prejudiced him. (*Strickland v. Washington* (1984) 466 U.S. 668, 687.)
18 Where a habeas petitioner alleges that counsel was ineffective in the investigation or
19 presentation of evidence, he must demonstrate how the trial would have been different
20 had the lawyer undertaken further investigation. (See *In re Hardy* (2007) 41 Cal.4th
21 977, 1025.) If an ineffective assistance of counsel claim can be resolved solely on the
22 basis of a lack of prejudice, then there is no need to separately determine whether
23 counsel's performance was deficient. (*Strickland v. Washington, supra*, 466 U.S. at p.
24 697.)

26 Petitioner admits in his reply that, "Yes, my DNA was at the scene" He also
admits that he had sex with the victim, though he states that it was consensual sex that

57-5
AT 23

1 occurred over a day before she was killed. He speculates that additional testing could
2 have been conducted or additional questions asked that would have shown that another
3 man's DNA was also present, but even if that were true (and it bears repeating that there
4 is nothing in the petition or exhibits demonstrating that to be so), petitioner still would
5 have been faced with evidence that he had sex with the victim. Additional expert
6 testimony would not have been reasonably probably to change the result.

7 Regarding the alleged confession of a man named George Randolph, who went by
8 the alias "William Backhoff," respondent contends that trial counsel did attempt to
9 introduced evidence that Randolph had confessed to the crime. The trial court excluded
10 that evidence. Petitioner does not refute respondent's contention, and does not explain
11 what more counsel could have done to bring the third party confession before the jury.

12 Petitioner has not shown that counsel was ineffective, or that the result of his trial
13 would have been reasonably likely to have changed had counsel undertaken the efforts
14 now demanded by petitioner. His ineffective assistance of counsel claim therefore fails.

15 Claim Four

16 Petitioner's fourth claim is that the prosecutor committed misconduct by
17 submitting false testimony. Petitioner's claim is based on what he alleges are
18 inconsistencies between various witnesses' testimony, the police reports, and statements
19 made over two decades ago.

20 In its request for an informal response, the Court asked respondent if the
21 documents relied on by petitioner were submitted to the trial court or are otherwise
22 included in the record of petitioner's pending appeal. Respondent has stated that the
23 only document included in the appellate record is a fingerprint report.

24 To the extent petitioner's prosecutorial misconduct claim is based on the trial
25 court record, this Court lacks jurisdiction to consider it. (*In re Carpenter, supra*, 9
26 Cal.4th at pp. 645-646.) To the extent it relies on evidence outside the record, it fails.

57.6
AT24

1 Petitioner appears to claim not that the prosecutor committed misconduct, as such, but
2 that false evidence was used to convict him. A writ of habeas corpus may issue if “False
3 evidence that is substantially material or probative on the issue of guilt or punishment
4 was introduced against a person at any hearing or trial relating to his incarceration[.]”
5 (Pen. Code, § 1473, subd. (b)(1).) If false evidence was used at trial, petitioner is not
6 required to show that the prosecution knew it was false. (*In re Richards* (2012) 55
7 Cal.4th 948, 960-962.)

8 Petitioner’s claim fails because he has not shown that any of the evidence
9 introduced was false. Respondent concedes that there were some inconsistencies
10 regarding what certain witnesses remembered, such as Bruce Nash’s and John Sullivan’s
11 recollection of who the victim had been with and her movements the night September
12 20, 1985. Inconsistent evidence, however, is not synonymous with false evidence, even if
13 the inconsistencies diminish a witness’s credibility. (*In re Roberts* (2003) 29 Cal.4th
14 726, 742-743.) Petitioner’s assessment of the impact of those inconsistencies does not
15 demonstrate that false evidence was used at trial.

16 Claim Five

17 Petitioner’s fifth claim is that his rights under *Miranda v. Arizona* (1966) 384
18 U.S. 436 were violated by the police when they interrogated him. A claimed *Miranda*
19 violation can be raised in a habeas corpus petition where it relies on evidence outside
20 the record. (*In re Sakarias* (2005) 35 Cal.4th 140, 169-170.) Petitioner’s claim relies
21 largely on the record of the proceedings at trial, and can be litigated on appeal. This
22 Court therefore lacks jurisdiction to consider the claim. (*In re Carpenter, supra*, 9
23 Cal.4th at pp. 645-646.)

24 Petitioner also alleges that the evidence showing a *Miranda* violation had been
25 altered, but he does not explain what the “unaltered” evidence would have shown. He
26 instead states that he did not feel free to leave. In the same claim, however, he states

57-7
A 25

1 that the "recording shows defendant tried to leave and end interrogation, but was
2 coerced [sic] through locked facility, and presence of several officers showing he was
3 under arrest." Petitioner's own allegations demonstrate that any *Miranda* violation
4 could have been supported (whether successfully or not, a question the Court does not
5 consider) by the evidence before the trial court and, now, before the court of appeal. His
6 conclusory allegations about "altered" evidence do not warrant habeas corpus relief.
7 (*People v. Duwall, supra*, 9 Cal.4th at p. 474; *In re Swain, supra*, 34 Cal.2d at p. 304.)

8 Claim Six

9 Petitioner's sixth claim is that the evidence introduced at trial was insufficient to
10 prove his guilt. That claim is not cognizable in a habeas corpus petition. (*In re Lindley*
11 (1947) 29 Cal.2d 709, 723.)

12 Claim Seven

13 Petitioner's seventh claim is that his counsel "conspired to alter evidence
14 presented before the jury." His claim is closely related to his second and fifth claims, in
15 which he alleges that the recording of his interview was altered, and fails for the same
16 reasons. Throughout the petition, petitioner places an extraordinary amount of
17 significance on the fact that officers believed petitioner possessed a blue Pinto, while
18 one of the witnesses saw a silver Pinto. Given the DNA evidence linking petitioner to the
19 murder, and the fact that he admitted possessing a blue Pinto, there is no basis to
20 conclude that further efforts to show what the officers did or did not believe regarding
21 the color of his car would have been reasonably likely to change the trial's outcome.
22 Because he has not shown how a more complete recording could have changed the trial's
23 outcome, or how trial counsel's actions could have obtained such a recording, his claim
24 fails. (*Strickland v. Washington, supra*, 466 U.S. at p. 697.) Furthermore, petitioner's
conclusory allegations about his counsel conspiring to alter evidence do not warrant

57-8

AT 26

1 habeas corpus relief. (*People v. Duvall, supra*, 9 Cal.4th at p. 474; *In re Swain, supra*,
2 34 Cal.2d at p. 304.)

3 Claim Eight

4 Petitioner also claims his trial counsel was ineffective because he failed to
5 interview witnesses and did not adequately investigate the case. His claim fails because
6 petitioner has not shown what further investigation would have revealed, or how it
7 would have changed the trial's outcome. (*In re Hardy, supra*, 41 Cal.4th at p. 1025.)

8 Claim Nine

9 Petitioner's ninth claim alleges that his trial counsel was ineffective for failing to
10 make various objections or impeach various witnesses in particular ways.

11 Respondent has alleged, and petitioner does not dispute, that each of the
12 witnesses testified at trial. Whether those witnesses could have been asked additional
13 questions is beside the point. It bears emphasizing that counsel's performance is
14 presumed to be competent. (*People v. Lewis* (2001) 25 Cal.4th 610, 674.) Petitioner has
15 not overcome that presumption. A failure to object to even inadmissible evidence is
16 ultimately a tactical decision. (*People v. Rodrigues* (1994) 8 Cal.4th 1060, 1121.) Here,
17 ~~petitioner has not shown that any objections would have even been successful, and~~
18 attorney was not required to raise objections which would have been futile. (*People v.*
19 *Gutierrez* (2009) 45 Cal.4th 789, 804-805.) Ultimately, the criticisms levied by
20 petitioner go to the particular tactical decisions made by trial counsel over the course of
21 the trial. Given the "great deference" afforded to those tactical decisions (*People v.*
22 *Farnam* (2002) 28 Cal.4th 107, 148), petitioner has not established he received
23 ineffective assistance of counsel.

24 There are various other allegations in petitioner's ninth claim, such as a "crime
that was investigated by Detective Carr of the S.B.P.D.," but they are entirely conclusory,
and not pled with sufficient particularity to warrant habeas corpus relief. (*People v.*

57-9

AT 27

1 *Duwall, supra*, 9 Cal.4th at p. 474; *In re Swain, supra*, 34 Cal.2d at p. 304.) If the crime
2 in question is referred to somewhere in the voluminous pleadings submitted by
3 petitioner, the Court has not located it. If it is a reference to the alleged confession of a
4 third party to the crime, then for the reasons set forth above regarding petitioner's third
5 claim, counsel was not ineffective in his efforts to bring that evidence before the jury. If
6 it is another crime, then perhaps it is sufficient to note that "Judges are not like
7 pigs, hunting for truffles buried in briefs." (*United States v. Dunkel* (7th Cir. 1991) 927
8 F.2d 955, 956.)

9 Claim Ten

10 Petitioner's tenth claim is that the trial court "expressed prejudicial behavior" in
11 denying petitioner's motion for a new trial and violated his right to represent himself.
12 The claim relies entirely on the record of the proceedings at trial, and can be litigated on
13 appeal. This Court therefore lacks jurisdiction to consider it. (*In re Carpenter, supra*, 9
14 Cal.4th at pp. 645-646.)

15 Claim Eleven

16 The eleventh claim in the petition alleges that petitioner's rights were violated
17 when the trial court denied his motion raised pursuant to *People v. Marsden* (1970) 2
18 Cal.3d 118. The claim relies entirely on the record of the proceedings at trial, and can be
19 litigated on appeal. This Court therefore lacks jurisdiction to consider it. (*In re*
20 *Carpenter, supra*, 9 Cal.4th at pp. 645-646.)

21 Claim Twelve

22 The final claim in the petition alleges that petitioner was denied his right to be
23 present at every critical stage of the proceedings. The claim relies entirely on the record
24 of the proceedings at trial, and can be litigated on appeal. This Court therefore lacks
jurisdiction to consider it. (*In re Carpenter, supra*, 9 Cal.4th at pp. 645-646.)

57-10
AT 28

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CONCLUSION

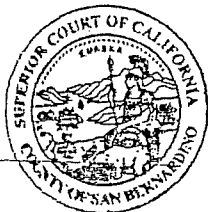
Petitioner's crime was committed roughly twenty-five years before his trial. That gap in time appears to have led to some gaps in the recollection of some witnesses. There is nothing remarkable about that fact, nor does it demonstrate that any of those witnesses lied, or that their testimony was inherently unreliable. The many attacks on trial counsel fail to recognize what the United States Supreme Court observed nearly thirty years ago: "There are countless ways to provide effective assistance in any given case. Even the best criminal defense attorneys would not defend a particular client in the same way." (*Strickland v. Washington, supra*, 466 U.S. at p. 689.) It may be that there were errors committed at petitioner's trial – the court of appeal will make that determination soon enough. But in the context of those claims which are properly before this Court, petitioner has not demonstrated that to be so.

For the foregoing reasons, the petition for writ of habeas corpus is DENIED.

Dated: July 12, 2013

Kyle Brodie

Judge Kyle Brodie



57-11

A529

EXHIBIT COVER PAGE



Description of this exhibit:

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- UNITED STATES SUPREME COURT
- GRAND JURY

Name: John Henry Yablonsky AL-0373

Address: Box 8500

Coalinga, Ca. 93210

CDC or ID Number: AL-0373

MC-275

SUPREME COURT
FILED

MAY 1 2014

Frank A. McGuire Clerk

SUPREME COURT OF THE STATE OF California Deputy

HABEAS CORPUS DIVISION

(Court)

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

PETITION FOR WRIT OF HABEAS CORPUS

No. 9218253
(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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AT 32

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59

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DD4 THOMAS
CLOSING

648

1 I was waiting for him to pick somebody in the
2 audience or pick Detective Alexander. Maybe
3 Detective Alexander did it. Those are all just
4 possibilities, ladies and gentlemen. They're all
5 figments of Mr. Sanders' imagination. That's what they
6 are. He's coming up with all these possibilities hoping
7 that you as a jury will listen to one of his
8 possibilities and ignore the evidence and ignore where
9 the evidence points. The evidence points over there to
10 Mr. Yablonsky.

11 At one point ~~he was talking about calling all~~
12 ~~the witnesses; that we have an obligation to call all~~
13 ~~the witnesses.~~ Then this morning he was talking about
14 Diane Flagg... Why did the prosecution call her? Did you
15 hear me during closing arguments this morning talk about
16 Diane Flagg in any connection between the Pinto that she
17 saw and the Pinto of Mr. Yablonsky? No. Because there
18 was none.

19 Mr. Sanders talked about what could have been
20 done ~~what could the police have done back then?~~ They
21 could have done this. They could have done that,
22 playing Monday-morning quarterback 25 years later.
23 They're saying, they could have done this. They could
24 have collected this evidence. What would that have
25 proved? Nothing.

26 Let's say we did collect -- there was evidence
27 that there were fingerprints, and you didn't hear any
28 evidence, but let's say there was evidence that

1 fingerprints were collected, and it came back to
2 Mr. Yablonsky. What would his excuse be? Of course
3 Mr. Yablonsky was in the house at some point, but that
4 fingerprint, that wouldn't tell us that he was in there
5 that Friday night or Saturday morning. He'd have
6 another excuse, just like the consensual sex. He has an
7 excuse.

8 He wants you to speculate as to why
9 Mr. Yablonsky didn't tell the detectives about the sex.
10 Could have been his memory was failing. Look through
11 that transcript. You'll see he remembers Rita Cobb had
12 a dog. There was a question, and I think it was on
13 Page 94 -- Page 94, Line 19, Detective Alexander asked,
14 who else did you date back then? He responds Dana,
15 Brittney, Julie, Lori, a couple more. He remembers.

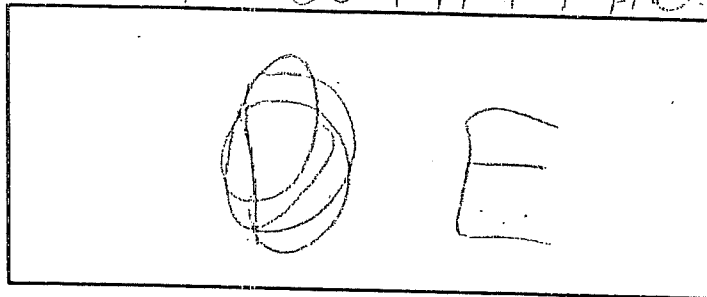
16 For Mr. Sanders to get up here and say his
17 memory is faulty in some ways, that's not true. He has
18 a great memory. He remembered the dog. For him to say,
19 oh, he didn't remember something like sexual intercourse
20 with a person who was found dead later on apparently
21 according to his father, and his father told him days
22 later that Rita Cobb was dead, but he couldn't remember
23 having sex with this woman.

24 Put yourself in that situation. If you had
25 consensual sex with Rita Cobb, and you were asked by
26 detectives -- you knew that Rita Cobb was murdered
27 afterward, and you were asked by detectives, you would
28 be honest. You would say, look, I did have sex with

EXHIBIT

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16 55441 (4 PAGES)



ALEXANDER

FINGER PRINT

DET. ALEXANDER

517

1 Q He did that for, I think it was three or four
2 questions that were posed to him?

3 A There were many questions that he did that to,
4 but those particular ones, yes.

5 MR. THOMAS: Nothing further at this point.

6 THE COURT: Mr. Sanders.

7 CROSS-EXAMINATION

8 BY MR. SANDERS:

9 Q Detective Alexander, you were familiar with the
10 entire investigation that had been done up to 2009 when
11 you spoke to my client; correct?

12 A Yes.

13 Q All of the reports that had ever been generated
14 in this case were in your possession?

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

17 Q Did you later find out there was others you
18 didn't know about?

19 A No.

20 Q So when you spoke to my client, for example, I
21 don't remember if it was you or your partner that day
22 that was using the fingerprint example.

23 Was that you or your partner?

24 A That was probably me.

25 Q Okay. And you were making a point to my client
26 in the room about if you wipe a table clean and you put
27 your fingerprint on it, it's there; correct?

28 A That's correct.

593

1 Q And your point was that if someone examined
2 that table down at the Signal Hill Police Station, they
3 would know Mr. Yablonsky had been there because of his
4 fingerprint?

5 A Yes.

6 Q Just to be clear, you knew that there was no
7 evidence that my client's fingerprint was at Rita Cobb's
8 house?

9 A That's correct.

10 Q In fact, you already knew whose fingerprints
11 were at Rita Cobb's house?

12 A I'm not sure if there were any fingerprints
13 developed.

14 Q You didn't read the fingerprint reports?

15 A I probably did, but I don't remember all the
16 names.

17 Q Do you remember one of the glasses in the
18 kitchen had a fingerprint on it?

19 A Yes.

20 MR. THOMAS: Objection. Calls for hearsay.

21 THE COURT: Sustained.

22 BY MR. SANDERS:

23 Q And you were aware of all of the blood-typing
24 matches that had been done?

25 MR. THOMAS: Objection. Calls for hearsay.

26 MR. SANDERS: I'm not asking him for a
27 result.

28 MR. THOMAS: Then I object on relevance. 59-4

San Bernardino Sheriff's Department
Identification/Latent Print Section

88 SEP 25 PM 3:51

Case Number: 1331036-07

Agency: VICTORVILLE
Result Date: 08-09-88
Agent:
Victim: COBB, RITA
Offense: PC 187
Suspect: MALLAN, LLOYD J. 10/26/43
Assigned: CORNS

08/09/88 Assigned L. G. Corns

At the request of case agents McPhail and Palacios, this case was reviewed and the results are listed below:

There are twenty-nine photographs of latent prints. Twenty-eight are not suitable for comparison. one is a palm latent and is not computer quality. This latent was compared to the submitted palm prints of the below listed subjects with negative results.

There are fourteen latent lifts. The results are listed below:

<u>PERSONS COMPARED</u>	<u>ROLLED BY</u>	<u>DATE</u>	<u>DOB</u>
1. COBB, Rita	Moody (SBSD)	Victim	N/A
2. SAUNDERS, Joe	Baty (SBSD)	09/24/85	N/A
3. MALLAN, Lloyd	N/A	03/15/83	10/26/43
4. SIMBACH, Richard D.	Bellnap(SBSD)	09/25/85	N/A
5. GAY, Howard A.	Hawaii PD	05/09/86	01/01/43
6. BACKHOFF, William R.	Rercaff	09/26/85	N/A

<u>BOOKING #</u>	<u>CAL-ID #</u>	<u>PALMS</u>
1. N/A	N/A	N/A
2. N/A	N/A	N/A
3. N/A	N/A	N/A
4. 722173	N/A	YES
5. N/A	N/A	YES
6. N/A	36147584	N/A

LATENT #1: This latent was lifted by Deputy Moody on 09/23/85, from "Tall, clear drinking glass, left side of counter kitchen". This latent was compared to the #1 or right thumb of victim COBB and was a positive comparison.

LATENT #2&3: These latents were not suitable for comparison.

LATENT #4: This latent was lifted by Deputy Moody on

59-5

09/23/85, from "Tall drinking glass, clear, left side of counter top"; This latent was compared to the #1 or right thumb of victim COBB and was a positive comparison.

LATENT #5: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side of counter top, kitchen". This latent contained three images marked A, B, & C.

IMAGE A: This image was compared to the #2 or right index finger of victim COBB and was a positive comparison.

IMAGE B: This image was compared to the #8 or the left middle finger of subject SAUNDERS and was a positive comparison.

IMAGE C: This image does not contain enough minute ridge characteristics in order to make an identification.

LATENT #6: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side of counter top, kitchen". This latent contained three images marked A, B, & C.

IMAGE A: This image was compared to the #6 or left thumb of subject SAUNDERS and was a positive comparison.

IMAGE B&C: These images do not contain enough minute ridge characteristics in order to make an identification.

LATENTS 7-13: These latents were lifted by Deputy Moody on 09/23/85 and (glasses) on 09/27/85. These latents do not contain enough minute ridge characteristics in order to make an identification.

LATENT #14: This latent was lifted by Deputy Moody on 09/23/85, from "Red flowered drinking glass, left side counter top, kitchen". This latent was compared to the #7 or left index finger of subject SAUNDERS, Joe, and was a positive comparison.

All comparisons were checked and verified by Forensic Specialist R. Luna. Evidence retained in Identification/Latent section files.

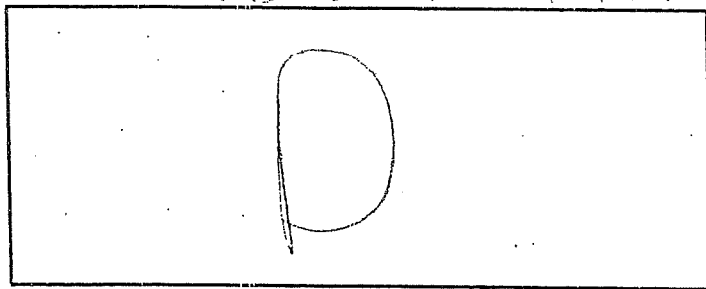
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133

EXHIBIT

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16 554411 (106)



THOMAS ABOUT

PIN

59-7

1 it's on the floor shows there had been a struggle; that
2 she was fighting.

3 What about the watchband pin? That's important
4 because look where it is. It's above her right side.
5 It's like if somebody were to hold their hand -- if a
6 male were to hold their hand, and she was struggling,
7 she might have gotten the watch pin out. It was the
8 defendant's watch pin. You heard the testimony, that
9 watchband pin does not match the watchband pin that Rita
10 had.

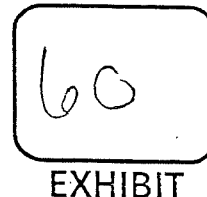
11 Look at the size. I would argue it's a male's
12 watchband pin. That would show additional signs of a
13 struggle and show additional signs that she was, in
14 fact, raped and this was nonconsensual.

15 If you conclude the motive in this case was
16 rape, then everything points to this person seated right
17 here at the counsel table, Mr. Yablonsky, as the person
18 who committed that rape.

19 DNA evidence showed that only the defendant had
20 sex with Rita. There's no other evidence showing that
21 anybody else had sex with Rita other than the defendant.
22 If you conclude that the motive in this case was rape
23 and that Rita Cobb was raped, then the only person the
24 evidence points to is Mr. Yablonsky. That's it. Nobody
25 else.

26 Then if you look at all of the DNA evidence,
27 Item A dash 11 and Items A dash 18a and A dash 18b, they
28 all match the defendant's DNA that was taken in Item J 59-8

EXHIBIT COVER PAGE



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- UNITED STATES SUPREME COURT
- GRAND JURY

1 terms of who could touch it, the handle of a tooth
2 brush, maybe a particular individual touches that and
3 nobody else uses the tooth brush. That has a greater
4 potential for showing a single source of DNA that would
5 have come from the touching on the hands that was
6 transferred to the tooth brush.

7 Q What you're saying is you can collect it, but
8 it's often compromised? It's often --

9 A It is what I would call a true forensic sample
10 in that you don't know what you're going to get and a
11 lot of times you're going to get stuff that's not going
12 to mean anything or not be helpful to you.

13 Q You can collect DNA from hair?

14 A Yes, sir.

15 Q You collect it from skin cells?

16 A Yes, sir.

17 Q You can collect it from sweat?

18 A I have done tests on items that pretty much it
19 was in the sweaty area, and I have gotten good results,
20 yes, sir.

21 Q All right. So when you went to the scene then,
22 I think you said you have a protocol of when you enter
23 the front to which way you go and what you do; is that
24 correct?

25 A I don't know that I said that. I said that the
26 way we processed that particular scene, we had a way of
27 entering the primary bedroom. That was a decision we
28 made at the time based upon the information we had about

1 the investigation.

2 Q So there was a decision made not to process
3 other rooms in the house that same way because of the
4 situation you found yourself in?

5 A Yes, sir. It was felt that our greatest
6 probability of finding something that might be related
7 to the perpetrator of the crime would be in this
8 bedroom. The evidence seemed to point that everything
9 happened in that room and, therefore, we should
10 concentrate our efforts on that.

11 Q Let me ask you a question about that. Was
12 there any thought in your mind that perhaps something
13 had happened outside this bedroom causing blood spatter
14 in the hallway?

15 A Well, the actual patterns that were in the
16 hallway aren't what I would call blood spatter. They're
17 probably more transfer. They were on some object and
18 were transferred to the wall or the doorjamb. There was
19 no other evidence outside in the hallway of any sort of
20 blood stain patterns, whether impact or cast off or
21 anything, other than these two what appear to be
22 transfer spots.

23 There were other items in the house that we did
24 collect for potential forensic biology examination.
25 Those are the cigarette butts that were present in
26 various ashtrays, but I think in terms of the rest of
27 the house, that was almost the extent of what we
28 collected.

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60-3

LONG

1 Q What about the car that was out in the carport
2 or the garage, did you process the car to look for
3 evidence?

4 A No, sir.

5 Q Whose decision was that?

6 A That, I don't know. In general, speaking again
7 by procedure, if the vehicle had been requested for
8 processing, it would have been done at the crime
9 laboratory.

10 Q You indicated when you went into the bedroom,
11 the first thing you did was performed a vacuuming
12 operation?

13 A Yes, sir.

14 Q And was that done by yourself?

15 A Both by myself and by my partner,
16 Dave Stockwell.

17 Q Okay. And what, if anything, did you find when
18 you examined the results of the vacuuming?

19 A I did not examine them. Dave Stockwell did,
20 and he has a number of notes that he made with regard to
21 hair and fibers that he pulled from -- from different
22 parts, whether it be the vacuum sweeping or from
23 articles of clothing, so when they were collected and
24 there, but I did not do that examination.

25 Q All right. One of the things that you did was
26 not only did you vacuum the floor, but you vacuumed the
27 clothing?

28 A Actually, the clothing would have been examined

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1 back at the laboratory, open it up and do any sort of
2 collection --

3 Q And shake it out?

4 A -- or processing looking for stains and so
5 forth. The vacuuming was on the areas of carpet around
6 the bed and then the surface of the bed itself.

7 Q And I'm assuming you have some kind of a
8 special vacuum cleaner that you --

9 A Yes, sir, we do. It looks like a regular
10 vacuum. The one we used at the time was
11 over-the-shoulder-type vacuum. It had a hose. Then at
12 the hose end, there was a special trap. It was a round
13 filter thing that you could unscrew, place a filter over
14 a screen, screw it back on, and then go through your
15 vacuuming. All the air would pass through and the
16 filter would trap any hairs, fibers, debris, trace
17 evidence and so forth onto the filter.

18 The filter would be taken out, placed in -- I
19 could check my notes. I believe we had Ziploc bags, we
20 placed the filters into. The trap would then be wiped
21 out in terms of any residual dust, put another filter
22 back into this cartridge and go on to the next section.

23 Q So you use a filter for the rug and then
24 switched and used a different one for the bed?

25 A Yes, sir. I think there were two or three
26 areas of the carpet that we did independently. We would
27 have used a separate filter for each of those and then
28 also a separate filter for the bed.

600-5

1 Q I'm assuming on the bed you did find hair
2 samples and fibers?

3 A Honestly, I don't know. I did not physically
4 examine the vacuum sweepings. We collect them because
5 you only got one shot. If someone wants to look at them
6 at a later time, I believe Mr. Stockwell may have done
7 that, then at least we have them. In terms of what the
8 sweepings contained, I couldn't tell you.

9 Q What about the -- when you approach the body, I
10 believe you said you took some tapings; is that correct?
11 How do you refer to that?

12 A Tape lifts.

13 Q Tape lifts.

14 A Yes, sir. My notes indicate that we took tape
15 lifts of various sections of the body. The idea is that
16 whatever occurred would be the most resent thing;
17 therefore, any potential evidence would be on the top or
18 the surface.

19 Q And in conjunction with that, you combed
20 through the victim's hair; is that correct?

21 A I don't remember doing that at the scene, and I
22 haven't seen any notes to indicate that we did comb
23 through the hair. That may have been done at the
24 autopsy, but I really can't tell you one way or the
5 other.

Q My understanding is sometimes when there's even
a suspicion that there was some type of sexual activity,
they'll take a combing of pubic hair to see if there's *bob*

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1 any foreign hair?

2 A That is a common collection technique that is
3 used in sexual assault cases, yes, sir.

4 Q You do not know if that was done in this case?

5 A That's correct. I do not know.

6 Q Did you do any testing to the watch pin that
7 was found close to the victim's head?

8 A No, sir.

9 Q Was that ever examined to see if it had any
10 touch DNA?

11 A To have DNA, no, sir. I don't know if anybody
12 has looked at it again. I did not, and, honestly, if
13 someone requested we do touch DNA on it, I would find a
14 way to convince them that we weren't going to do it.

15 Q Did you examine the victim's fingernails or any
16 scraping from under her fingernails?

17 A I can check the autopsy notes that I have.

18 Q Thank you.

19 A In the notes that I have right here, a couple
20 of things. One is, with regard to fingernail scrapings,
21 no, sir. I don't have an indication of fingernail
22 scrapings.

23 Earlier you asked me with regard to pubic
24 combings. Pubic combings were done as part of a sex kit
5 that was collected at autopsy prior to me arriving
there. I received the sex offense kit from one of the
detectives that was attending the autopsy,
Detective Larry Brown, but there was an item called

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EXHIBIT COVER PAGE

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EXHIBIT

Description if this exhibit:

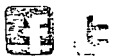
Number of Pages to this exhibit: _____ Pages.

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- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

AB-1909 Falsifying evidence. (2015-2016)

SHARE THIS:



Assembly Bill No. 1909

CHAPTER 879

An act to amend Section 141 of the Penal Code, relating to crimes.

[Approved by Governor September 30, 2016. Filed with Secretary of State
September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1909; Lopez; Falsifying evidence;

Existing law makes it a misdemeanor for a person, or a felony for a peace officer, to knowingly, willfully, intentionally, and wrongfully alter, modify, plant, place, manufacture, conceal, or move any physical matter, digital image, or video recording, with the specific intent that the action will result in a person being charged with a crime.

This bill would make it a felony punishable by imprisonment for 16 months or 2 or 3 years for a prosecuting attorney to intentionally and in bad faith alter, modify, or withhold any physical matter, digital image, video recording, or relevant exculpatory material or information, knowing that it is relevant and material to the outcome of the case, with the specific intent that the physical matter, digital image, video recording, or relevant exculpatory material or information will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 141 of the Penal Code is amended to read:

141. (a) Except as provided in subdivisions (b) and (c), a person who knowingly, willfully, intentionally, and wrongfully alters, modifies, plants, places, manufactures, conceals, or moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter will be wrongfully produced as genuine or true upon a trial, proceeding, or inquiry, is guilty of a misdemeanor.

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the action will result in a person being charged with a crime or with the specific intent that the physical matter, digital image, or video recording will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by two, three, or five years in the state prison.

(c) A prosecuting attorney who intentionally and in bad faith alters, modifies, or withholds any physical matter, digital image, video recording, or relevant exculpatory material or information, knowing that it is relevant and material to the outcome of the case, with the specific intent that the physical matter, digital image, video recording, or relevant exculpatory material or information will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(d) This section does not preclude prosecution under both this section and any other law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

61-2



SB-1134 Habeas corpus: new evidence: motion to vacate judgment: indemnity. (2015-2016)

SHARE THIS:

Senate Bill No. 1134

CHAPTER 785

An act to amend Sections 1473, 1485.5, and 1485.55 of the Penal Code, relating to habeas corpus.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1134, Leno. Habeas corpus: new evidence: motion to vacate judgment: indemnity.

Existing law allows every person who is unlawfully imprisoned or restrained of his or her liberty to prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted for, but not limited to, false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial and false physical evidence which was a material factor directly related to the plea of guilty of the person.

This bill would additionally allow a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial.

Existing law requires the California Victim Compensation Board to recommend an appropriation be made by the Legislature for the purpose of indemnifying a person if the evidence shows that a crime with which the person was charged was either not committed at all, or, if committed, was not committed by that person. Existing law requires that the appropriation recommended shall be a sum equivalent to \$140 per day of incarceration served. If a court grants a writ of habeas corpus or vacates a judgment on the basis of new evidence and finds that the new evidence points unerringly to innocence, existing law requires the board to recommend an appropriation to the Legislature pursuant to these provisions without a hearing.

This bill would require the board, without a hearing, to recommend an appropriation to the Legislature if the court finds that the person is factually innocent. The bill would make additional clarifying and technical changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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SECTION 1. Section 1473 of the Penal Code is amended to read:

1473. (a) A person unlawfully imprisoned or restrained of his or her liberty, under any pretense, may prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint.

(2) False physical evidence, believed by a person to be factual, probative, or material on the issue of guilt, which was known by the person at the time of entering a plea of guilty, which was a material factor directly related to the plea of guilty by the person.

(3) (A) New evidence exists that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial.

(B) For purposes of this section, "new evidence" means evidence that has been discovered after trial, that could not have been discovered prior to trial by the exercise of due diligence, and is admissible and not merely cumulative, corroborative, collateral, or impeaching.

(c) Any allegation that the prosecution knew or should have known of the false nature of the evidence referred to in paragraphs (1) and (2) of subdivision (b) is immaterial to the prosecution of a writ of habeas corpus brought pursuant to paragraph (1) or (2) of subdivision (b).

(d) This section does not limit the grounds for which a writ of habeas corpus may be prosecuted or preclude the use of any other remedies.

(e) (1) For purposes of this section, "false evidence" includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances.

(2) This section does not create additional liabilities, beyond those already recognized, for an expert who repudiates his or her original opinion provided at a hearing or trial or whose opinion has been undermined by later scientific research or technological advancements.

SEC. 2. Section 1485.5 of the Penal Code is amended to read:

1485.5. (a) If the district attorney or Attorney General stipulates to or does not contest the factual allegations underlying one or more of the grounds for granting a writ of habeas corpus or a motion to vacate a judgment, the facts underlying the basis for the court's ruling or order shall be binding on the Attorney General, the factfinder, and the California Victim Compensation Board.

(b) The district attorney shall provide notice to the Attorney General prior to entering into a stipulation of facts that will be the basis for the granting of a writ of habeas corpus or a motion to vacate a judgment.

(c) In a contested or uncontested proceeding, the express factual findings made by the court, including credibility determinations, in considering a petition for habeas corpus, a motion to vacate judgment pursuant to Section 1473.6, or an application for a certificate of factual innocence, shall be binding on the Attorney General, the factfinder, and the California Victim Compensation Board.

(d) For the purposes of this section, "express factual findings" are findings established as the basis for the court's ruling or order.

(e) For purposes of this section, "court" is defined as a state or federal court.

SEC. 3. Section 1485.55 of the Penal Code is amended to read:

1485.55. (a) In a contested proceeding, if the court has granted a writ of habeas corpus or when, pursuant to Section 1473.6, the court vacates a judgment, and if the court has found that the person is factually innocent, that finding shall be binding on the California Victim Compensation Board for a claim presented to the board, and upon application by the person, the board shall, without a hearing, recommend to the Legislature that an appropriation be made and the claim paid pursuant to Section 4904.

(b) In a contested or uncontested proceeding, if the court grants a writ of habeas corpus and did not find the person factually innocent in the habeas corpus proceedings, the petitioner may move for a finding of factual innocence by a preponderance of the evidence that the crime with which he or she was charged was either not committed at all or, if committed, was not committed by him or her.

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was either not committed at all or, if committed, was not committed by him or her.

(d) If the court makes a finding that the petitioner has proven his or her factual innocence by a preponderance of the evidence pursuant to subdivision (b) or (c), the board shall, without a hearing, recommend to the Legislature that an appropriation be made and any claim filed shall be paid pursuant to Section 4904.

(e) A presumption does not exist in any other proceeding for failure to make a motion or obtain a favorable ruling pursuant to subdivision (b) or (c).

(f) If a federal court, after granting a writ of habeas corpus, pursuant to a nonstatutory motion or request, finds a petitioner factually innocent by no less than a preponderance of the evidence that the crime with which he or she was charged was either not committed at all or, if committed, was not committed by him or her, the board shall, without a hearing, recommend to the Legislature that an appropriation be made and any claim filed shall be paid pursuant to Section 4904.

EXHIBIT COVER PAGE

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EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

JOHN HENRY YABLONSKY,

Plaintiff and Appellant,

v.

MICHAEL RAMOS et al.,

Defendants and Respondents.

E065773

(Super.Ct.No. CIVDS1506664)

OPINION

APPEAL from the Superior Court of San Bernardino County. Wilfred J.

Schneider, Jr., Judge. Affirmed.

John Henry Yablonsky, in pro. per., for Plaintiff and Appellant.

Michelle D. Blakemore and Jean-Rene Basle, County Counsel, Matthew J.

Marnell, Deputy County Counsel, for Defendants and Respondents.

Plaintiff and appellant John Yablonsky was found guilty of the first degree murder of Rita Cobb. In September 1985, Cobb was discovered nude and strangled by a hanger in her bedroom. A DNA sample taken from her vagina was matched to Yablonsky's DNA in 2009. Yablonsky was sentenced to life without the possibility of parole.

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him were based on malpractice and Yablonsky had failed to show that he had obtained the required postconviction relief required to bring a malpractice claim.

Yablonsky filed this appeal appearing to argue that the trial court erred by denying his request for a continuance to oppose the demurrer and that the demurrer should have been denied.

FACTUAL AND PROCEDURAL HISTORY

A. STATEMENT OF FACTS

In September 1985, Rita Cobb's decomposing body was found by her son in her bedroom in her Lucerne Valley home. She was nude and had been strangled by a hanger. No suspect was found at the time. Semen was found in her vagina. DNA tests were performed on the semen in 1999 but no match was found. In 2003, the DNA was once again tested and at some point matched to Yablonsky. In 2009, Yablonsky was interviewed. He lived in Long Beach but advised interviewing San Bernardino County Sheriff's Detectives Rob Alexander and Greg Myler that in 1985, he and his wife rented a back house on Cobb's property in Lucerne Valley. When Yablonsky denied having sexual relations with Cobb, or any type of intimate relationship with her, he was arrested for her murder. (*People v. Yablonsky, supra*, E055840 at pp. *2-4.)

B. PROCEDURAL HISTORY

1. *BACKGROUND*

Yablonsky was found guilty of first degree murder and sentenced to life without the possibility of parole. In his first appeal in this court, he raised several issues, including that he was denied his right to present third-party culpability evidence and

out fliers, the admission of altered evidence and Sanders's failure to adequately defend him. The federal court ruled that unless Yablonsky could show reversal of his conviction, he could not bring the Title 42 United States Code section 1983 action. Yablonsky was admonished that if he did not file a timely third amended complaint, the action would be dismissed with prejudice.

On November 25, 2015, Yablonsky moved to have the entire action in federal court dismissed without prejudice. He claimed that he had a stroke on October 11, 2015, and that he was having vision problems. He would be unable to timely file a third amended complaint. The motion was granted on December 3, 2015.

2. *COMPLAINT AND FIRST AMENDED COMPLAINT*

Yablonsky filed his original complaint in the trial court on May 11, 2015. He named Michael Ramos, John Thomas, John Doe, Robert Alexander, Greg Myler, David Sanders and Captain Wickham. A demurrer was filed on September 3, 2015, arguing it was not timely based on the requirement that notice be given to the County before such an action could be filed and then a timely filed complaint must be filed. Yablonsky filed opposition on October 21, 2015. After a hearing conducted on November 30, 2015, the trial court sustained the demurrer on the ground that Yablonsky's claims appeared to be time barred unless Yablonsky could plead facts to support a delay in filing. Yablonsky was given 30 days to file an amended complaint.

On December 24, 2015, Yablonsky filed his first amended complaint (FAC). He stated that his causes of action were for "CIVIL RIGHTS LOSS." He sought \$500,000,000 in damages. He named as respondents Michael Ramos, prosecutor; David

supervisor of Sanders and instructed his attorneys. Zywieciel had represented Yablonsky when Sanders got ill.

Yablonsky further claimed that Sanders failed to conduct appropriate investigation into the DNA evidence including a red hair found on Cobb's body and DNA on cigarette butts in the house; and investigate further defense witnesses. Sanders rested the case without Yablonsky making a decision whether to testify.

Yablonsky further alleged that Ramos was the District Attorney for the San Bernardino County District Attorney's Office. John Thomas was the deputy district attorney assigned to Yablonsky's case. Ramos, prior to Yablonsky's trial, printed flyers to be distributed to residents of San Bernardino County where he was running for reelection as district attorney. The flyers depicted a photograph of Yablonsky along with the information that a suspect was arrested in the cold case involving Cobb. It extolled Ramos's efforts in the cold case division and that Cobb's family would finally have closure. Sanders did not adequately address the issue prior to Yablonsky's trial.

Yablonsky's first cause of action for "to be secure in person" and "negligence" was against Detectives Myler and Alexander. Yablonsky alleged they improperly interrogated him. This violated his state and federal Constitutional rights. He continued to suffer irreparable harm due to the actions of Myler and Alexander.

Yablonsky's second cause of action was for negligence. It named Detectives Myler and Alexander, sheriff of the San Bernardino County Sheriff's office, Thomas, Sanders, Ramos and Shoup. They violated his Fifth and Fourteenth Amendment rights against self "compulsion," due process and equal protection. They also violated his

Yablonsky's sixth cause of action was for negligence, professional negligence, due process of law and equal protection. He alleged violations of the Fifth and Fourteenth Amendments of the federal Constitution and the California Constitution. He named Defendants, Shoup and Detective Alexander. He alleged fabrications of evidence.

Yablonsky's seventh cause of action was for negligence, professional negligence, right of access to counsel and equal protections of laws. He alleged violations of the Fifth, Sixth and Fourteenth Amendment under the federal Constitution and under the state Constitution. He named Shoup, Sanders, Canty and Zywieciel. This cause of action related to the failure to advise Yablonsky of all of the discovery in the case. His counsel violated rules of professional conduct and caused him irreparable harm, including his loss of rights.

Yablonsky then provided a list of Penal Code and Evidence Code violations committed by Defendants.

3. *DEMURRER*

On January 21, 2016, Defendants filed a demurrer to the FAC. They alleged that all of the causes of action were barred under the doctrine of judicial estoppel. Yablonsky had pursued the same claims in the federal court and twice had his complaint dismissed by the federal court. Yablonsky then dismissed his action in the federal court prior to filing a third amended complaint advising the federal court that he was too sick to pursue the matter. Defendants further alleged that all of the causes of action were uncertain as it was not clear whether they arose from a civil rights action under Title 42 United States Code section 1983 or a state tort action.

having trouble completing his opposition. Yablonsky insisted that the opposition he intended to file would cause the trial court to overrule the demurrer. The trial court stated, "Thank you very much, Mr. Yablonsky. Anything else?" Yablonsky stated there was nothing else. The matter was submitted.

The court's written ruling was as follows: "The Court SUSTAINS the demurrers of Mr. Ramos and Mr. Thomas to the First Amended Complaint (FAC), without leave to amend, on the ground that plaintiff's causes of action alleged against those defendants are based on their actions in initiating and prosecuting the criminal action against plaintiff and those defendants are thus immune from liability pursuant to Government Code section 821.6. The Court SUSTAINS Mr. Sander's demurrer to the FAC, without leave to amend, on the ground that each of the causes of action alleged against Mr. Sanders sound in malpractice and plaintiff fails to show that he has obtained the required post-conviction relief." Judgment was entered dismissing the case on March 18, 2016.

On March 4, 2016, Yablonsky filed a motion to reconsider the ruling on the demurrer. He argued that judicial estoppel did not apply to the case because he was addressing different state and federal actions. Further, the prosecutors did not have immunity for their actions. The trial court also erred by refusing to grant his request for a continuance to file the opposition.

On March 16, 2016, Defendants filed opposition to the motion for reconsideration. Defendants stated it was not clear if Yablonsky was seeking reconsideration of the denial of his request for a continuance, which was filed on February 22, 2016, or whether he was seeking reconsideration of the demurrer. The motion for reconsideration should be

Sanders committed professional negligence by lying about discovery, hiding evidence, and working with the State to alter evidence and keep records from Yablonsky.

Yablonsky contends that these parties were not immune from civil liabilities. His argument regarding Title 42 United States Code section 1983 contains numerous misspellings and is incoherent.

A. DENIAL OF CONTINUANCE

Yablonsky appears to contend that the trial court erred by failing to grant his continuance to file opposition to the demurrer. We review the trial court's decision to grant or deny a continuance for abuse of discretion. (*Oliveros v. County of Los Angeles* (2004) 120 Cal.App.4th 1389, 1395.) To obtain a continuance, a party must show good cause. (*Cotton v. StarCare Medical Group, Inc.* (2010) 183 Cal.App.4th 437, 444.)

The trial court did not abuse its discretion in denying Yablonsky's continuance. Yablonsky provided no evidence of his medical condition or what he would present in his opposition. Yablonsky had complained about his medical problems in the federal court in November 2015 insisting he could not file a third amended complaint, but in December 2015, he was able to file the FAC. No good cause for a continuance was shown by Yablonsky. The trial court could decide the case based on the allegations in the FAC and the demurrer without his opposition.

B. GRANT OF DEMURRER

When the trial court has sustained a demurrer without leave to amend, the appellate court will assume as true all facts that may be implied or inferred from those expressly alleged, to determine whether they state a cause of action on any available legal

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color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.”

In *Heck v. Humphrey* (1994) 512 U.S. 477, 486 through 487, the court held that “in order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court’s issuance of a writ of habeas corpus. . . . Thus, when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.” Similarly, the California Supreme Court has held, “a state prisoner’s claim for damages is not cognizable under 42 U.S.C. § 1983 if ‘a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence,’ unless the prisoner can demonstrate that the conviction or

Government Code section 821.6 is not limited to “conduct occurring during formal proceedings.” (*Javor v. Taggert* (2002) 98 Cal.App.4th 795, 808.) “[I]t also extends to actions taken in preparation for formal proceedings. Because investigation is “an essential step” toward the institution of formal proceedings, it “is also cloaked with immunity.” ’ ’ (*Ibid.*) “Under California law the immunity statute is given an ‘expansive interpretation’ in order to best further the rationale of the immunity, that is, to allow the free exercise of the prosecutor’s discretion and protect public officers from harassment in the performance of their duties.” (*Ingram v. Flippo* (1999) 74 Cal.App.4th 1280, 1292.)

Thomas, who was the prosecuting attorney, clearly was entitled to immunity for claims that he altered transcripts or withheld evidence. Ramos was the District Attorney of San Bernardino County, and as such, was Thomas’s supervisor. Claims that the transcripts were altered was clearly within Government Code section 821.6. Broadly interpreting Government Code section 821.6, the fliers were reasonably related to Yablonsky’s prosecution as the cold case division was used to initiate the prosecution against Yablonsky. Ramos was entitled to immunity. As such, no negligence claim would be successful.

Yablonsky cites to *Imbler v. Pachtman* (1976) 424 U.S. 409 to support his claim that the prosecutor was not entitled to immunity. This case does not support his claim as the plaintiff in that case had been granted postconviction relief by having his petition for writ of habeas corpus granted. (*Id.* at p. 415.)

DISPOSITION

The grant of the demurrer without leave to amend is affirmed. The parties are to bear their own costs on appeal.

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MILLER

Acting P. J.

We concur:

CODRINGTON

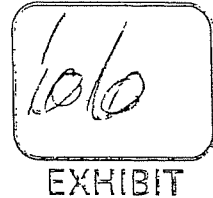
J.

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EXHIBIT COVER PAGE



Description of this exhibit:

Number of Pages to this exhibit: 23 Pages.

JURISDICTION: (Check One Only)

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

1 John Henry Yablonsky AL-0371
2 Box 931
3 Imperial, Ca. 92251

SERVED
11/16/15

213
No. 105

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 16 2015

BY [Signature]
Christian Hernandez

4 SUPERIOR COURT OF CALIFORNIA
5
6 COUNTY OF SAN BERNARDINO

7
8 John Henry Yablonsky,
9 Plaintiff,
10
11 vs.
12 Michael Ramos, et al.,
13 Defendant.

) CASE NO. CIVDS1506664

) MOTION TO COURT TO HAVE DEEMED ADMITTED
) REQUEST FOR ADMISSIONS OF DEFENDANT
) DAVID LYNN SANDERS FOR FAILURE TO RESPOND
) TIMELY UNDER C.C.P. §§2033.250, 2033.280
) Date: 01-15-16
) Time: 8:30
) Dept: 532
) Filed: May 11, 2015
) Trial: unassigned

) The honorable Wilfred Schneider Jr.

14
15 REQUESTING PARTY-PLAINTIFF-JOHN YABLONSKY
16 ANSWERING PARTY- DEFENDANT-DAVID LYNN SANDERS

17 Comes plaintiff before this humble court on the date assigned above
18 requesting this court take judicial notice of the defendant's failure to
19 respond timely for request for admissions under section 2033.250. Plaintiff
20 served this party on September 25, 2015 where the U.S.P.S. delivery within
21 the following 5 days tolled the time to respond. The defendant thereafter
22 failed to respond by admissions or denial to the requested admissions in a
23 timely manner. The tolling of 30 days ended on October 30, 2015.

24 LEGISLATIVE INTENT

25 Legislative intended that deponent could be asked questions beyond
26 the scope of questions allowed at trial was indicated by inclusions
27 of former C.C.P. § 2016(e) and (f).

28 Greyhound Corp. V. Superior court, 55 Cal.2d 355(1961)

66
SANDERS FAILURE TO DENY 1

1006-1

MOTION MUST BE SERVED

10/10/10

Under the guidance of C.C.P. § 2017.010 parties are entitled to [discovery] unless limited by order of the court. Here the parties filed motion to protect these practices, relying on the position as government officials and employ[ees] of the state.

Under the guidance of C.C.P. § 2017.010 parties may request admission that are reasonably related to facts that [may] lead to relevance, locations of evidence that are relevant and [material] to "[any]" discoverable matter.

Pico Furniture Co V Superior Court, 56 Cal.2d 407(1961)

" A PARTY MAY REQUEST ADMISSIONS WITHOUT LEAVE OF COURT"

C.C.P. § 2033.020

Here the defendant David Sanders was served admissions that he failed to respond in a timely fashion regarding matters of his appointment as counsel for the plaintiff, and [failures] by this defendant regarding defendant Sanders obligations during the representation regarding evidences, trial strategies, witnesses and specific investigations. The defendant's failures injured the plaintiff here by refusing access to evidences that had been reasonably requested, and expecting his client to make decisions regarding evidences that had not been revealed to plaintiff until after the trial hearing had ended. This party then held onto these evidences until the entire state appeal process had expired, before he released 1) credible 2) reliable 3) material evidences that would have affected the results of the A) Trial B) The appeal processes

This parties errors were against state and federal laws in direct violations of professions code and ethics regarding his representation of plaintiff. Plaintiff now moves this court to deem admitted the defendants admissions as served to defendant according to C.C.P. § 2033.010. Plaintiff will also ask this court to take judicial notice that defendant admits that he made errors regarding material facts that include elements of

SANDERS FAILURE TO DENY 2

1006-2 64

1 John Henry Yablonsky AL-0373
2 Box 931
3 Imperial, ca. 92251
4 (pro-se)

5
6 IN THE SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF SANBERNARDINO

8 John Henry Yablonsky,
9 Plaintiff,

CASE NO. CIVDS 1506664

10 vs.

11 REQUEST FOR ADMISSIONS PER C.C.P. § 2033.010
12 REQUEST FOR ADMISSIONS OF DEFENDANT DAVID L
13 LYNN SANDERS
14 (BEING SUED AS AN INDIVIDUAL)

13 Michael Ramo,
14 et al,
15 Defendant/s,

16 Re: David Lynn Sanders

17 Trial: unassigned
18 Filed: May 11, 2015
19 The Honorable Judge Wilfred J. Schneider Jr.

20 Requesting party - John Henry Yablonsky (Plaintiff)

21 Answering party - David Lynn Sanders (Defendant)

22 REQUEST FOR ADMISSIONS SET ONE

23 The defendant named here as David Lynn Sanders is hereby requested

24 for admissions according to C.C.P. § 30 2033.010,

25 Any party may obtain discovery within the scope delimited by chapters
26 2 and Chapters 3 (commencing with sections 2017.010 and 2017.710) and
27 subject to restrictions set forth in Chapter 5 (commencing act set
28 in 2019.010) by a written request that any other party to the action
admit the genuineness of a specified document, or the truth of specified
matters of facts, opinion relating to fact, or the application of law
to fact. A request for admissions may relate to matters that is in
controversy between parties.

The party plaintiff asks these admission be made by defendant David L. Sanders

REQUEST FOR ADMISSIONS OF DAVID LYNN SANDERS 1

1. ddb6-41

1 and must be answered under declaration made under the openalty of perjuy.The
2 defendant then has 30 days to serve his anser per C.C.P. § 2033.250(a).Failure
3 to answer by the rules of discovary in the allotted time will waive rights
4 to deny and others.C.C.P.§2033.230 states that if a party to whom requats
5 are directed fails to serve response [timely], the following rules apply,but
6 not limited to,

7 a) The party to whom the request for admissions are directed waives any objection
8 to the requests,including one based on privilege or on the protection for
9 work product.

10 REQUEST FOR ADMISSION ARE AS FOLLOWS

11 Question 1 Admit that you represented plaintiff John Henry Yablonsky for
12 case number FVI900518 and that you had agreed to have the DNA
13 for that case expertly examined, and later made a decision not
14 to without ever discussing this decision to your client on any
15 level before you had changed the decision to : have the DNA examined
16 by a labratory and experts.

17 Question 2 Admit that your client Yablonsky asked for the evidences to
18 his case, and [only]agreed to withold the DNA labratory worksheets
19 because Yablonsky would not be able to understand them.

20 Question 3 Admit that you released only 300 pages of the discovery that was
21 asked for by Yablonsky before trial.(The 300 pages in an aproximation
22 of the release but is about 300 pages)..

23 Question 4 Admit, that Yablonsky had to beg for discovery later, and that
24 you admitted to giving Yablonsky 300 of the 4000 pages before
25 trial, and then released 1300 more pages of the discovery,after trial.

26 Question 5 Admit that there was over 4000 pages of discovery to this case
27 before the trial ever occured, (4000 pages being a close estimate).

28 Question 6-Admit that you onluy released one set of the interrogation transcripts
that was transcribed from the interrogation that occurred on March
8,2009, and the set you released was a 113 page set.

REQUEST FOR ADMISSIONS OF DAVID LYNN SANDERS 2

1066-5

- 1 Question 7 Admit that you expected your client to make reasonable decisions
2 from the 300 pages you had given him before trial.
- 3 Question 8 Admit that you made decisions regarding a piece of evidence tag
4 #B67999 ,A5 (1-8 and 1 hair with the root) without ever discussing
5 the decisions with your client and whether this evidence would
6 be expertly examined by a laboratory for DNA qualification. Choosing
7 to not test this evidence to any degree by experts.
- 8 Question 9 Admit that you made decisions regarding a piece of evidence tag
9 #B67999,A1 (8 slides with one red hair with the root bulb intact)
10 without ever discussing the decisions with your client and whether
11 this evidence would be expertly examined by a laboratory for DNA
12 qualification. Choosing to not test this evidence to any degree
13 by experts.
- 14 Question 10 Admit that you knew the state prosecutor was intending on presenting
15 a piece of evidence Tag #B6777 B67999,A15 (watch band keeper
16 pin)and that you made decisions to not examine this evidence
17 by laboratory experts to qualify the DNA located on this evidence
18 that was located right next to the victim ,and the prosecutor
19 intended on presenting this evidence as belonging to Yablonsky,
20 without ever discussing this decision with your client,choosing
21 to not examine the evidence at all.
- 22 Question 11 Admit that you never authenticated the interrogation recording
23 after your client told you that the transcript you gave him (113
24 page set) was incorrect, and that the answers were not the same
25 as what was said by Yablonsky in that March 8,2009 interrogation.
26 Choosing to not have the recording devices expertly examine for
27 errors without ever discussing this decision with your client.
- 28 Question 12 Admit that you participated in the altering of the interrogation
recording that was to be played to the jury on January 27,2011,
and that this participation on your part was without ever discussing
this decision with your client first, AND THAT MIRANDA INVOKATION WAS
REMOVED.

- 1 Question 13 Admit that you made decisions to not investigate or interview
 2 witnesses that you knew state prosecutor was intending on calling
 3 regarding witnesses Lori Amaro and Kye sun Delgado without ever
 4 discussing this decision with your client first.
- 5 Question 14 Admit that you had told your client that you were completed with
 6 investigation before you did set trial dates on April 2, 2010,
 7 and had in fact agreed to set trial dates with the state prosecutor.
- 8
- 9 Question 15 Admit that you had set trial dates without fully investigating
 10 all the evidences that would be used in this case FVI900518.
- 11 Question 15 Admit*that you did not practice professionally when you neglected
 12 to serve the attorney general for the motion to recuse according
 13 to the rules of court regarding recusal, and did not serve the
 14 attorney general according to the rules of California courts.
 P.C. 1424(a)
- 15 Question 17 Admit that you did not practice professionally when you wrote
 16 a motion for continuance for your client John Yablonsky in another
 17 parties name and case number, and instead declared trial readiness.
 WITHOUT ASKING IN CAMERA FOR CONTINUANCE TO INVESTIGATE AMARO + DELGADO.
- 18 Question 18 Admit that you did not conduct yourself professionally when you
 19 chose not to offer the state witness Robert Alexander the copy
 20 of the states fingerprint report as you were asking him about
 21 the content of the fingerprint report. EV. C. 901 1271
- 22 Question 19 Admit that you did not act professionally when the courts sustained
 23 an objection to the testimony of Bruce Nash about what the statement
 24 was that Rita Cobb gave him the night she left the drinking party,
 25 and that evidence code 1250 would have been been an exception
 to the hearsay standard that the state prosecutor had used.
 SHE SAID SHE WAS GOING TO ABAR NOT NAME.
- 26 Question 20 Admit that you did not investigate Gregory Randolph before you
 27 tried to move the courts to accept this persons alleged confession,
 28 knowing that had the investigation produces relevant or direct
 circumstantial evidence would have influenced the courts denial. REQUEST
 DNA. REQUEST FOR ADMISSIONS OF DAVID LYNN SANDERS 3

1 do b-7

- 1 Question 21 Admit that your client John Yablonsky had repeatedly told you
2 that he was innocent from the very first interview you had had
3 with him in the county jail, and had repeatedly told the same PERSONALLY
4 in almost every letter he wrote trying to assist your investigations.
- 5 Question 22 Admit that you were told that Yablonsky's official visitation
6 had been terminated by the county Jail West Valley Detention
7 Center about September 2010, and that you verified this termination.
- 8 Question 23 Admit that you never interviewed the state witnesses Susan Anderson
9 and Monica Siewertzen, the pathologist, and codis specialists
10 before trial, ^{OR} ~~IF~~ WHAT EVIDENCE WERE ATTACHED TO THIS CASE BY STATE, OR OTHER
- 11 Question 24 Admit that your client Yablonsky had told you that his last
12 encounter with Rita Cobb had been the week before she had been
13 killed, and that the expert witnesses Donald Jones and Dr. Saukel
14 testimony is consistent with what your client had told you, that
15 his DNA would be older than the murder by more than one day.
- 16 Question 25 Admit that the representation you provided your client would
17 not be acceptable by [yourself] if [you] had told your attorney you
18 were "innocent", and you were charged for a murder that you did
19 not do. BY ALL THE ACTIONS AND DECISIONS YOU EXPOSED YABLONSKY TO.
- 20 Question 26 Admit that you had lied to your client about the case, enough
21 so to prevent him from fully understanding the gravity of the
22 evidences that existed, and would be used, and that you had failed
23 as a competent attorney that was to investigate the evidences
24 of the case before making critical decisions regarding the case
25 strategy, AND RELAYING THESE FINDINGS TO YOUR CLIENT.
- 26 Question 27 Admit that the attorneys office you work, you were the only person
27 to represent your client Yablonsky after Geoffery Canty had passed
28 the case to you, and until the trial had first
declared deadlocked. And that there was no other attorney that
stood in for you regarding the case until after the deadlock
announcement. And that the case was passed to you before June
2009, or thereabout.

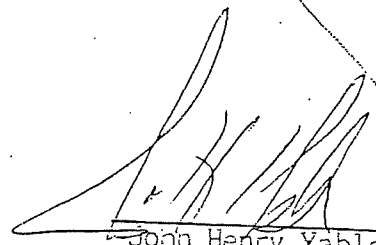
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This request for admissions was sent on _____

The clock tolls from the service date according to C.C.P. § 10134a) five days hereafter this date.

Date

9/25/15



John Henry Yablonsky

1006-9

50
1 PROOF OF SERVICE ACCORDING TO PRISONER MAIL BOX RULE

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

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

8 COUNTY COUNSEL
9 385 N. ARROWHEAD 4TH FL.
S.B. CA. 92418

10 This service contained the following ;

11 SET TWO REQUEST FOR
12 ADMISSION
13

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

18 IMPERIAL and 92251
city zip code

19 This service was conducted on))) _____ Date

20 ACCORDING TO THE PRISONER MAIL BOX RULE
21 THIS SERVICE IS CONSIDERED FILED ON THE DATE OF THE SERVICE
22

23 UNDER THE PENALTY OF PERJURY

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

26 John Henry Yablonsky _____ Date
27 My address is Box 931 IMPERIAL CA. 92251
28

1006-10

Sever 11/10/15

John Henry Yablonsky AL-0673
Box #31
Imperial ca. 92251

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANBERNARDINO

John Henry Yablonsky,
Plaintiff,

CASE NO. CIVDS1506664

REQUEST FOR ADMISSIONS UNDER C.C.P. § 2033.010
OF DEFENDANT DAVID LYNN SANDERS
(BEING SUEB AS AN INDIVIDUAL.)

vs

Michael Ramos, et al.,
Defendant/s.

Date: _____
Time: _____
Fees: _____
Filed: May 11, 2015

Trial: unassigned

The honorable Wilfred Schneider Jr.

REQUESTING PARTY: PLAINTIFF JOHN HENRY YABLONSKY

ANSWERING PARTY-DEFENDANT DAVID LYNN SANDERS

REQUEST FOR ADMISSIONS SET TWO

28) Admit that you withheld evidences until after the state appeal process. from your cluient John Henry Yablonsky

29) Admit that you lied to your client regarding the investigations for casee no. FVI900518.

30) Admit that you withheld facts regarding the interrogation transcript from your clienynt about it being altered.

31) Admit that you provided ineffective assistance to your client regarding the investigations of case no. FVI900518

32) Admit tyhat you made decisons to not investigate specific evidences that were DNA qualified regarding case no. FVI900518 without discussions them with yopur client John Henry Yablonsky

33) Admit that your client John Henry Yablonsky told you that the transcript of the interrogation was improperly transcribed before nat the trial ever occured.

SANDERS SET TWO ADMISSIONS 1

1066-11

1 34) Admit that when you released the 300 pages of evidences to
2 your client John Henry Yablonsky you withheld police reports that were
3 contradictory to the sets you released regarding witnesses.

4 35) Admit that you knew the transcripts were altered before you
5 gave the 113 page set to your client Jophn Henry Yablonsky for case no FV190051.

6 "
7 "
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17 "
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25 "
26 "

27 Date _____

John Henry Yablonsky

106612

PROOF OF SERVICE BY AN INMATE
ACCORDING TO PRISONER MAILBOX RULE

This service was conducted by a party to this action, and was conducted according to California State Prison Title 15, div. 3, section § 3142, and in accordance with Penal Code § 2501(b).

This mail was inspected and sealed in the presence of an on duty correctional officer in a fully pre-paid addressed envelope. The envelope was addressed as follows,

david lynn sanders
385 N. Arrowhead 4 fl.
s.b.,ca.92415

This service contained the following ,

request for admissions ccp 2033.010

This service was conducted by an adult over the age of 18 years of age and mailed according to ordinary daily mail routines to be delivered by the United States postal service, for the city of, from,

Imperial

92251

City

Zip Code

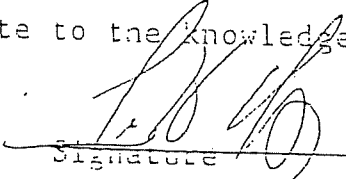
On This date 9 25 15
month day year

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

UNDER THE PENALTY OF PERJURY

The forgoing is the truth and accurate to the knowledge of

Joan Henry Yablonsky


Signature

My address is, Box 931 imperial ca.92251

1066-13

EXHIBIT COVER PAGE

67

EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

DATE
1/19/09
2/22/09
1/6/09
1/5/09
7/1/09
3/1/09

The People of the State of California vs. JOHN YABLONSKY

§
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Location: Victorville
Filed on: 03/10/2009
Agency Case Number: 133103607
Booking Number: 0903341068
DMV Docket Number: FVI9005

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony
Jurisdiction: County				
1. PC187(A)-F: Murder	FEL	09/20/1985	Case Status:	02/12/2016 Closed
Charge #: 001				
Arrest: 09/20/1985				
999. CONVERSION-ZComms in Legacy	Z	09/20/1985		
Charge #: 999				

DATE CASE ASSIGNMENT

Current Case Assignment	
Case Number	FVI900518
Court	Victorville
Date Assigned	03/10/2009

PARTY INFORMATION

Plaintiff	The People of the State of California	Lead Attorneys
		Merritt, Grover Daniel
Defendant	YABLONSKY, JOHN HENRY	Smith, Hal Charles Retained

DATE EVENTS & ORDERS OF THE COURT INDEX

09/20/1985	New Filed Case	
03/10/2009	In Custody Arraignment (1:30 PM) (Judicial Officer: Allen, Larry W) Continued Court's motion;	
03/10/2009	Legacy Minutes LWA CLERK: LF-LORI FLORES CERTIFIED COURT REPORTER: CM-CHRISTIE MATHES; CSR# CM-6221 DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT. DEPUTY PUBLIC DEFENDER JEFF CANTY PRESENT DEFENDANT PRESENT IN CUSTODY. - PROCEEDINGS ACTION CAME ON FOR ARRAIGNMENT ATTORNEY FOR DEFENDANT WAIVES FORMAL ARRAIGNMENT AND ADVISAL OF CONSTITUTIONAL AND STATUTORY RIGHTS. - PLEA INFORMATION DEFENDANT PLEADS NOT GUILTY TO ALL COUNTS. - ATTORNEY INFORMATION COURT APPOINTS PUBLIC DEFENDER. COPY OF COMPLAINT AND DISCOVERY GIVEN TO DEFENSE COUNSEL.	

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

HEARINGS

PRE-PRELIMINARY HEARING SET FOR 03/18/2009 AT 8:30 IN DEPARTMENT V6.
PRELIMINARY HEARING SET ON 03/23/2009 AT 9:00 IN DEPARTMENT V6.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

BAIL SET AT \$1000000.00.

COMMITMENT ISSUED (PENDING)

DISTRICT ATTORNEY NOTIFIED.

PUBLIC DEFENDER NOTIFIED.

===== MINUTE ORDER END ===== 0

CONT 1

03/18/2009

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

03/18/2009

Legacy Minutes

LWA

CLERK: LF-LORI FLORES

CERTIFIED COURT REPORTER: CM-CHRISTIE MATHES; CSR# CM-6221

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.

DEPUTY PUBLIC DEFENDER JEFF CANTY PRESENT

DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR PRE-PRELIMINARY HEARING

DEFENSE MOTION TO CONTINUE IS GRANTED.

HEARINGS

PRELIMINARY HEARING SET ON 03/23/2009 VACATED.

PRE-PRELIMINARY HEARING SET FOR 05/06/2009 AT 8:30 IN DEPARTMENT V6.

PRELIMINARY HEARING SET ON 05/11/2009 AT 9:00 IN DEPARTMENT V6.

DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS

DEFENDANT WAIVES HIS/HER RIGHT TO A PRELIMINARY HEARING WITHIN 10
COURT DAYS AND 60 CALENDAR DAYS UNDER PC859B AND 60 DAYS BEYOND
05/11/2009.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

CONT 2

03/23/2009

CANCELED Preliminary Hearing (9:00 AM)
Vacated

05/06/2009

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

CONT 3

05/06/2009

Legacy Minutes

LWA

CLERK: SJ1-SHIRLEY JAUREGUI

CERTIFIED COURT REPORTER: LN-LINDY NUNO; CSR# LN-13180

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.

DEPUTY PUBLIC DEFENDER DAVID SANDERS PRESENT

DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR PRE-PRELIMINARY HEARING

MOTIONS

DEFENSE'S ORAL MOTION TO CONTINUE MATTER IS GRANTED.

VICTORYVILLE
CASE SUMMARY
CASE NO. FVI900518

HEARINGS

PRE-PRELIMINARY HEARING SET FOR 06:15:2009 AT 8:30 IN DEPARTMENT V6.
PRELIMINARY HEARING SET ON 06:17/2009 AT 9:00 IN DEPARTMENT V6.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

PRELIMINARY HEARING SET ON 05:11/2009 VACATED.

TIME WAIVERS

DEFENDANT WAIVES HIS/HER RIGHT TO A PRELIMINARY HEARING WITHIN 10
COURT DAYS AND 60 CALENDAR DAYS UNDER PC859B AND 60 DAYS BEYOND
06/17/2009.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

CONT 3

05/11/2009

CANCELED Preliminary Hearing (9:00 AM)
Vacated

06/15/2009

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

06/15/2009

Legacy Minutes
LWA
CLERK: E3582-BARBARA THOMPSON
CERTIFIED COURT REPORTER: CM-CHRISTIE MATHES; CSR# CM-6221
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DA'E SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR PRE-PRELIMINARY HEARING

MOTIONS

DEFENSE'S ORAL MOTION REQUESTING A CONTINUANCE IS GRANTED.
CRIMINALIST IS UNAVAILABLE
PRELIMINARY HEARING SET ON 06:17/2009 VACATED.

HEARINGS

PRE-PRELIMINARY HEARING SET FOR 07:02/2009 AT 8:30 IN DEPARTMENT V6.
PRELIMINARY HEARING SET ON 07:07/2009 AT 9:00 IN DEPARTMENT V6.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

DEFENSE REQUEST OTHER ORDERS: BRING DOCUMENTS TO COURT

TIME WAIVERS

DEFENDANT WAIVES HIS/HER RIGHT TO A PRELIMINARY HEARING WITHIN 10
COURT DAYS AND 60 CALENDAR DAYS UNDER PC859B AND 60 DAYS BEYOND
07:02/2009.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

CONT 4

06/17/2009

CANCELED Preliminary Hearing (9:00 AM)
Vacated

07/02/2009

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

07/02/2009

Legacy Minutes
LWA
CLERK: LF-LORI FLORES
CERTIFIED COURT REPORTER: CM-CHRISTIE MATHES; CSR# CM-6221
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.

CASE SUMMARY

CASE NO. FVI900518

DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRE-PRELIMINARY HEARING

STIPULATED MOTION TO CONTINUE IS GRANTED.

HEARINGS
PRELIMINARY HEARING SET ON 07/07/2009 VACATED.
PRE-PRELIMINARY HEARING SET FOR 07/23/2009 AT 8:30 IN DEPARTMENT V6.
PRELIMINARY HEARING SET ON 07/28/2009 AT 9:00 IN DEPARTMENT V6.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
DEFENDANT WAIVES HIS/HER RIGHT TO A PRELIMINARY HEARING WITHIN 10
COURT DAYS AND 60 CALENDAR DAYS UNDER PC859B AND 60 DAYS BEYOND
07/28/2009.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

copy 5

07/07/2009

CANCELED Preliminary Hearing (9:00 AM)
Vacated

07/23/2009

Pre-Preliminary Hearing (8:30 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

6 07/23/2009

Legacy Minutes
LWA
CLERK: SJI-SHIRLEY JAUREGUI
CERTIFIED COURT REPORTER: RBI-RHONDA BORCHARD; CSR# RBI-9516
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRE-PRELIMINARY HEARING
PARTIES ANNOUNCE READY FOR PRELIMINARY HEARING.

HEARINGS
PRELIMINARY HEARING CONFIRMED.
SET ON 07/28/09
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

ESTIMATED TIME IS 3 HOURS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

P.H.

07/28/2009

Preliminary Hearing (9:00 AM) (Judicial Officer: Allen, Larry W)
Continued Court's motion;

07/28/2009

Legacy Minutes
LWA
CLERK: E2761-SUNNY SALMOND
CERTIFIED COURT REPORTER: ML-MISTI LATHAM; CSR# ML-13338

APPEARANCES
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVID SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

VICTORYVILLE
CASE SUMMARY
CASE No. FVI900518

PROCEEDINGS

ACTION CAME ON FOR PRELIMINARY HEARING

PEOPLE'S EXHIBIT(S) 1-COLOR PHOTO VICTIM ON BACK ON A BED MARKED FOR IDENTIFICATION.

PEOPLE'S EXHIBIT(S) 2-COLOR PHOTO VICTIM ON BACK SHOWING HEAD WOUNDS MARKED FOR IDENTIFICATION.

PEOPLE'S EXHIBIT(S) 3-COLOR PHOTO VICTIM ON BACK WITH RIGHT KNEE OUT MARKED FOR IDENTIFICATION.

PEOPLE'S EXHIBIT(S) 4-CERTIFIED AUTOPSY PROTOCOL MARKED FOR IDENTIFICATION.

9:12

9:55

9:56

PEOPLE'S EXHIBIT(S) 5-PROP 115 REPORT BY SUSAN ANDERSON MARKED FOR IDENTIFICATION.

PEOPLE'S EXHIBIT(S) 6-PROP 115 REPORT BY MONICA SIEWERTSEN MARKED FOR IDENTIFICATION.

PARTIES STIPULATE TO ENTER PEOPLE'S EXHIBITS 5 AND 6 INTO EVIDENCE

PEOPLE'S EXHIBIT(S) 5 AND 6 ENTERED INTO EVIDENCE.

10:20

PEOPLE REST.

MOTIONS

PEOPLE'S MOTION TO ENTER EXHIBITS 1 - 4 IS GRANTED.

PEOPLE'S EXHIBIT(S) 1 2 3 4 ENTERED INTO EVIDENCE.

MOTIONS

MOTION BY PEOPLE TO HOLD THE DEFENDANT TO ANSWER IN THE SUPERIOR COURT.

DEFENDANT ADVISED THAT CASE IS ASSIGNED TO THE SUPERIOR COURT IN DEPARTMENT V2 JUDGE JMT FOR ALL PURPOSES.

ON MOTION OF DA, COURT ORDERS DEFENDANT HELD TO ANSWER IN SUPERIOR COURT TO ALL COUNTS/ALLEGATIONS AND/OR PRIORS.

HEARINGS

ARRAIGNMENT ON INFORMATION SET FOR 08/11/2009 AT 8:30 IN DEPARTMENT V2. DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

BY STIPULATION EXHIBITS ORDERED RETURNED TO THE PEOPLE.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

BAIL REMAINS AS SET.

===== MINUTE ORDER END ===== 0

08/03/2009

Note

RPTR TRNSCPT OF PRLM HRG ON 072809 FILED

08/03/2009

Claim Filed

CLAIM FILED FOR TRANSCRIPT BY M LATHAM FOR PRLM HRG ON 072809

08/06/2009

Forwarded:

FORWARDED INFORMATION TO V2

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

08/11/2009 Arraignment on Information (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

08/11/2009 Legacy Minutes

JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR ARRAIGNMENT

DEFENSE MOTION FOR CONTINUANCE IS GRANTED.
(DUE TO SPECIAL CIRCUMSTANCE LISTED IN
THE INFORMATION)

HEARINGS
HEARING CONTINUED TO 08/12/2009 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

DEFENSE MOTION TO ALLOW DEFT TO TRANSPORT PAPERWORK IS GRANTED.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
DEFENSE REQUEST OTHER ORDERS: TRANSPORT PAPERWORK TO & FROM COURT
COMMITMENT ISSUED (PENDING)
===== MINUTE ORDER END ===== 0

08/12/2009 Arraignment on Information (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

08/12/2009 Disposition (Judicial Officer: Tomberlin, John M)

1. PC187(A)-F: Murder
Convicted
Charge #: 001 Allegation:

08/12/2009 Plea (Judicial Officer: Pro Tem, Judge)

1. PC187(A)-F: Murder
Not Guilty
Charge #: 001 Allegation:

08/12/2009 Legacy Minutes

JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY STEVE SINFIELD FOR JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR ARRAIGNMENT
ATTORNEY FOR DEFENDANT WAIVES FORMAL ARRAIGNMENT AND ADVISAL OF
CONSTITUTIONAL AND STATUTORY RIGHTS.

PLEA INFORMATION
DEFENDANT PLEADS NOT GUILTY TO ALL COUNTS.

HEARINGS
PRETRIAL SET FOR 10/23/2009 AT 8:35 IN DEPARTMENT ---X---
(AND TRIAL SETTING)
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

DID NOT
PLEA
S.P. Q2C.
FILE AFTER
5 mo in CUST
10 DAY ASY PRELIM

ENTER
NOT GUILTY

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

TIME WAIVERS

SET LAST DATE FOR TRIAL TO 10/23/2009.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

FINGER PRINT CARD FILED 8-11-09

PEOPLE'S MOTION TO SET BAIL AT NO BAIL IS GRANTED.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY
BAIL SET AT \$0.00, NO BAIL; COMMITMENT PENDING ISSUED.
COMMITMENT ISSUED (PENDING)
===== MINUTE ORDER END ===== 0

10/23/2009

Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

10/23/2009

Legacy Minutes

JMT
CLERK: LF-LORI FLORES
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL

STIPULATED MOTION TO CONTINUE IS GRANTED.
(DISCOVERY ISSUES)

HEARINGS
HEARING CONTINUED TO 12/11/2009 AT 8:30 IN DEPARTMENT V2.
CASE CONTINUED FOR DISPO/RESET.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 12/11/2009.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

12/11/2009

Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

12/11/2009

Legacy Minutes

JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER HERB WILLIAMSON FOR DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL

DEFENSE MOTION FOR CONTINUANCE IS GRANTED.
(DPD SANDERS UNAVAILABLE)

HEARINGS
HEARING CONTINUED TO 01/15/2010 AT 8:35 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

4
DISC. MOTION
TO CONT.

2
DEF. MOT.
CONT.
HEARS.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 01/15/2010.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/15/2010 Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/15/2010 Legacy Minutes
JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL

STIPULATED MOTION FOR CONTINUANCE IS GRANTED.
(DISPO RESET)

HEARINGS
HEARING CONTINUED TO 04/02/2010 AT 8:35 IN DEPARTMENT V2.
CASE CONTINUED FOR DISPO. RESET.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 04/02/2010,
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

04/02/2010 Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

04/02/2010 Legacy Minutes
JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL

STIPULATED MOTION TO SET TRIAL DATES IS GRANTED.

HEARINGS
JURY TRIAL SET FOR 07/12/2010 AT 9:00 IN DEPARTMENT V3A; ESTIMATED 0 DAYS.
READINESS CALENDAR SET FOR 07/09/2010 AT 8:30 IN DEPARTMENT V3A.
PRETRIAL SET FOR 06/11/2010 AT 8:35 IN DEPARTMENT --X--
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 07/12/2010.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY

3
CONT. TO
INVEST

INVEST
CEMP
13 mo
AFTER
ARREST

CASE SUMMARY

CASE NO. FVI900518

===== MINUTE ORDER END ===== 0

05/14/2010 Letter Received
LETTER DATED 05/10/2010 RECEIVED FROM DEFT RE: ATTENDANCE AT HEARINGS

06/09/2010 Ex Parte Hearing (2:11 PM) (Judicial Officer: Tomberlin, John M)
Held;

06/09/2010 Forwarded:
FORWARDED MTN TO V2 CLERK BIN

06/09/2010 Motion
MOTION TO DISMISS ALLEGATION FILED 06/09/2010

06/09/2010 Copy Sent:
COPY OF 6/9/10 MINUTE ORDER SENT TO DEFT VIA MAIL.

06/09/2010 Legacy Minutes
JMT
CLERK: VL-VICKIE LO VASCO
REPORTER NOT REPORTED
-
PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
-
COURT HAS READ AND CONSIDERED LETTER SUBMITTED
BY DEFENDANT REQUESTING THAT HE BE ALLOWED
TO ATTEND COURT HEARINGS REGARDING CIVIL COMPLAINT
AGAINST THE COUNTY.
-
DEFENDANT'S MOTION TO ATTEND CIVIL COURT HEARINGS IS GRANTED.
DEFENDANT TO BE TRANSPORTED FOR COURT APPEARANCES
-
DEFENDANT REQUESTS AN ORDER ALLOWING HIM TO USE
THE LAW LIBRARY AT WEST VALLEY DETENTION.
-
COURT GRANTS PRO PER PRIVILEGES ACCORDING TO
JAIL POLICY.
-
CLERK'S OFFICE TO NOTIFY DEFENDANT.
(AND PROVIDE DEFENDANT WITH A COPY OF THIS
MINUTE ORDER)
-
CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

06/11/2010 Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

06/11/2010 Legacy Minutes
JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.
-
PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS
-
STIPULATED MOTION FOR CONTINUANCE IS GRANTED.
(MOTIONS)

NOTICE
I AGAINST
REJUDGE
M.P.

PRO PER
GRANTED
MANNING

MOTION
TO INVEST
TO PREPARE TRIAL
CAMARION
FLYER

CASE SUMMARY

CASE NO. FVI900518

TRIAL DATE VACATED.
PREAD HEARING SET ON 07/09/2010 AT 8:30 IS ORDERED VACATED.
MOTN HEARING SET ON 06/25/2010 AT 8:30 IS ORDERED VACATED.

HEARINGS
PRETRIAL SET FOR 07/23/2010 AT 8:35 IN DEPARTMENT --X--
MOTIONS RESERIVED FOR 07/23/2010 AT 8:35 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 07/23/2010.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

SPEEDY TRIAL

SUSPENDED
OFF VISIT.

SPEEDY
TRIAL

SPEEDY
TRIAL

06/18/2010

Letter Received
LETTER DATED 06/15/2010 RECEIVED FROM DEFENDANT RE: TELEPHONE ACCESS

06/25/2010

CANCELED Motion Hearing (8:30 AM)
Vacated

06/25/2010

Conversion event
<0> HEARING ON <1> AT <2> IS VACATED.

07/09/2010

CANCELED Trial Readiness (8:30 AM)
Vacated

07/09/2010

Conversion event
<0> HEARING ON <1> AT <2> IS VACATED.

07/12/2010

CANCELED Jury Trial (9:00 AM)
Vacated

07/20/2010

Opposition to Law and Motion Received & Filed
OPPOSITION TO LAW AND MOTION RECEIVED AND FILED.

07/20/2010

Forwarded:
FORWARDED OPPOSITION TO LAW AND MOTION TO V2

07/23/2010

Pretrial (8:35 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

07/23/2010

Legacy Minutes
JMT
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: KMI-KELLIE MOSS; CSR# KMI-10796
DEPUTY DISTRICT ATTORNEY MICHAEL FURMAN FOR JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL

PEOPLE'S MOTION FOR CONTINUANCE IS GRANTED.
(DDA JOHN THOMAS UNAVAILABLE)

HEARINGS
HEARING CONTINUED TO 07/30/2010 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

DEFENDANT HAS REQUESTED THAT HE BE ALLOWED
PRO-PER PRIVILEGES REGARDING A CIVIL CASE
THAT HE WILL BE FILING - COURT GRANTS REQUEST
AS ALLOWED BY SHERIFF'S DEPT.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

07/30/2010 Pretrial (8:30 AM) (Judicial Officer: Nakata, Eric M)
Continued Court's motion;

07/30/2010 Legacy Minutes
EMN
CLERK: E3582-BARBARA THOMPSON
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
-
MOTIONS
DEFENSE'S MOTION TO DISMISS IS DENIED.

HEARINGS
JURY TRIAL SET FOR 09/27/2010 AT 9:30 IN DEPARTMENT V3; ESTIMATED 0 DAYS.
READINESS CALENDAR SET FOR 09/24/2010 AT 8:30 IN DEPARTMENT V3A.
PRETRIAL SET FOR 09/10/2010 AT 8:30 IN DEPARTMENT. ~X~
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 09/27/2010.
TIME WAIVED FOR TRIAL; PLUS 45 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

09/07/2010 Letter Received
LETTER DATED 08/18/2010 RECEIVED FROM DEFENDANT RE: LIBRARY ACCESS

09/10/2010 Pretrial (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

09/10/2010 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
-
DEFENSE MOTION FOR CONTINUANCE IS GRANTED.
(FURTHER INVESTIGATION)

TRIAL DATE VACATED.
PREAD HEARING SET ON 09/24/2010 AT 8:30 IS ORDERED VACATED.

HEARINGS
JURY TRIAL SET FOR 10/25/2010 AT 9:00 IN DEPARTMENT V3; ESTIMATED 0 DAYS.

999
SPEEDY TRIAL

ACCESS 20
CT. DEN.

INVEST
CONT. 4

VICTORYVILLE
CASE SUMMARY
CASE NO. FVI900518

READINESS CALENDAR SET FOR 10/22/2010 AT 8:30 IN DEPARTMENT 13A.
 PRETRIAL SET FOR 10/08/2010 AT 8:30 IN DEPARTMENT --X--
 DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
 SET LAST DATE FOR TRIAL TO 10/25/2010.
 TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

-----SUBSEQUENTLY-----

10:14
 JMT, J-JUDGE
 CLERK: VL-VICKIE LO VASCO
 CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
 DEPUTY DISTRICT ATTORNEY CARRIE HALGRIMSON FOR JOHN THOMAS PRESENT.
 DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
 DEPUTY DISTRICT ATTORNEY CARRIE HALGRIMSON FOR JOHN THOMAS PRESENT.
 DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
 DEFENDANT PRESENT IN CUSTODY.

LETTER RECEIVED BY THE DEFENDANT WAS REVIEWED
 IN COURT - PREVIOUS ORDERS ARE TO REMAIN IN EFFECT

CUSTODY STATUS
 CASE CUSTODY - IN CUSTODY
 ===== MINUTE ORDER END ===== 0

SPEEDY TRIAL

09/24/2010 CANCELED Trial Readiness (8:30 AM)
 Vacated

09/24/2010 Conversion event
 <0> HEARING ON <1> AT <2> IS VACATED.

MOTION (1)

09/27/2010 CANCELED Jury Trial (9:30 AM)
 Vacated

DUE PROCESS FILE NOT REOPENED

09/27/2010 Motion
 MOTION TO DISMISS INFO FOR DENIAL OF DUE PROCESS FILED 09/27/20

MOTION (2)

09/27/2010 Forwarded:
 FORWARDED MOTION TO TICKLER BIN CLERK OFFICE

09/28/2010 Motion
 MOTION TO RECUSE FILED 09/28/2010

09/28/2010 Forwarded:
 FORWARDED MTN TO RECUSE TO TICKLER BIN IN CLERKS OFC

10/04/2010 Note
 OPPOSITION TO MOTION TO DISMISS FILED

10/04/2010 Forwarded:
 FORWARDED OPPOSITION TO MOTION TO DISMISS TO TICKLER BIN

10/05/2010 Note
 OPPOSITION OF SB CO DA'S OFFICE TO DEFT'S MTN FILE

MANNING NAME
MO... DISC.

10/05/2010 Note
 OPPOSITION TAKEN TO DEPT V2

10/06/2010 Note
 NTC OF MTN TO COMPEL DISCOVERY/P&A'S FILED

10/06/2010 Note

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

DECLARATION OF DAVID SANDERS FILED

10/08/2010 Pretrial (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

10/08/2010 Legacy Minutes
JMT, J-JUDGE
CLERK: TLA-TOBI ANDRE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
BAILIFF J PATRICK
DEPUTY DISTRICT ATTORNEY GROVER MERRITT PRESENT.
(FOR MOTION TO RECUSE SBCDAO)
DEPUTY DISTRICT ATTORNEY MICHAEL FERMIN PRESENT.
(FOR PRE-TRIAL/MOTION)
DEPUTY PUBLIC DEFENDER DAVID SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

RECUSE
DENIED

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS

MOTIONS
DEFENSE MOTION TO RECUSE DISTRICT ATTORNEY'S OFFICE IS DENIED.
DEFENSE MOTION TO CONTINUE IS GRANTED.
(FURTHER INVESTIGATION)

HEARINGS
JURY TRIAL SET FOR 11/29/2010 AT 9:30 IN DEPARTMENT V2; ESTIMATED 0 DAYS.
(SPECIAL SET)
READINESS CALENDAR SET FOR 11/19/2010 AT 8:30 IN DEPARTMENT V3A.
PRETRIAL SET FOR 11/05/2010 AT 8:30 IN DEPARTMENT --X--
(ALSO MOTIONS)

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 11/29/2010.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

SPEEDY TRIAL

10/22/2010 CANCELED Trial Readiness (8:30 AM)
Vacated

10/25/2010 CANCELED Jury Trial (9:00 AM)
Vacated

11/05/2010 Pretrial (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

11/05/2010 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY KATHLEEN DIDONATO PRESENT.
(FOR JOHN THOMAS)
DEPUTY PUBLIC DEFENDER DAVID SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
STIPULATED MOTION FOR CONTINUANCE IS GRANTED.
(DDA THOMAS CURRENTLY IN TRIAL)

INVEST
CENT.
DON NOT ALLOW

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

TRIAL DATE VACATED.
PREAD HEARING SET ON 11/19/2010 AT 8:30 IS ORDERED VACATED.

HEARINGS
JURY TRIAL SET FOR 12/06/2010 AT 9:00 IN DEPARTMENT V2; ESTIMATED 0 DAYS.
READINESS CALENDAR SET FOR 12/03/2010 AT 8:30 IN DEPARTMENT V3A.
PRETRIAL SET FOR 11/19/2010 AT 8:35 IN DEPARTMENT ~X~.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME RUNS ON 12/27/2010.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

11/19/2010 CANCELED Trial Readiness (8:30 AM)
Vacated

11/19/2010 Pretrial (8:41 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

11/19/2010 Conversion event
<0> HEARING ON <1> AT <2> IS VACATED.

11/19/2010 Legacy Minutes
JMT, J-JUDGE
CLERK: YL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: KD-KENYNIA DARDEN; CSR# KD-12704
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR PRETRIAL
TRIAL DATE VACATED.
PREAD HEARING SET ON 12/03/2010 AT 8:30 IS ORDERED VACATED.

STIPULATED MOTION FOR CONTINUANCE IS GRANTED.
(NEED FURTHER TIME TO PREPARE FOR TRIAL)

HEARINGS
JURY TRIAL SET FOR 12/20/2010 AT 9:00 IN DEPARTMENT V2; ESTIMATED 0 DAYS.
READINESS CALENDAR SET FOR 12/17/2010 AT 8:30 IN DEPARTMENT V3A.
PRETRIAL SET FOR 12/03/2010 AT 8:31 IN DEPARTMENT ~X~.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS
SET LAST DATE FOR TRIAL TO 12/20/2010.
TIME WAIVED FOR TRIAL; PLUS 60 DAYS.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

11/29/2010 CANCELED Jury Trial (9:30 AM)
Vacated

12/03/2010 CANCELED Trial Readiness (8:30 AM)
Vacated

12/03/2010 Pretrial (8:36 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

12/03/2010 Conversion event

SPEEDY TRIAL
(5)
PRETRIAL
MOTION
CONT.

VICTORVILLE
CASE SUMMARY
CASE No. FVI900518

<0> HEARING ON <1> AT <2> IS VACATED.

12/03/2010

Legacy Minutes

JMT, J-JUDGE

CLERK: VL-VICKIE LO VASCO

CERTIFIED COURT REPORTER: DR-DEBBIE ROGERS; CSR# DR-4639

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.

DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT

DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR PRETRIAL

OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS

STIPULATED MOTION FOR CONTINUANCE IS GRANTED.

TRIAL DATE VACATED.

PREAD HEARING SET ON 12/17/2010 AT 8:30 IS ORDERED VACATED.

HEARINGS

JURY TRIAL SET FOR 01/10/2011 AT 9:00 IN DEPARTMENT V2; ESTIMATED 0 DAYS.

READINESS CALENDAR SET FOR 01/07/2011 AT 8:30 IN DEPARTMENT V3A.

DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

TIME WAIVERS

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

12/06/2010

CANCELED Jury Trial (9:00 AM)

Vacated

12/14/2010

Letter Received

LETTER DATED 12/10/2010 RECEIVED FROM DEFENDANT RE: VARIOUS

12/14/2010

Forwarded:

FORWARDED CASE AND LETTER TO JUDGE TOMBERLIN V2

12/17/2010

CANCELED Trial Readiness (8:30 AM)

Vacated

12/17/2010

Conversion event

<0> HEARING ON <1> AT <2> IS VACATED.

12/17/2010

Note

(121610)JUDGE TOMBERLIN/S CRAIG

12/17/2010

Note

DENIED

12/20/2010

CANCELED Jury Trial (9:00 AM)

Vacated

01/05/2011

Forwarded:

FORWARDED MTN TO V3

01/05/2011

Motion

MOTION FOR CONTINUANCE FILED 01/05/2011

01/07/2011

Trial Readiness (8:30 AM) (Judicial Officer: Nakata, Eric M)

Continued Court's motion;

6
MOTION
TO INVES.

7
MOTION
TO INVES.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

01/07/2011

Legacy Minutes

EMN, J-JUDGE
CLERK: C4272-HEATHER MACDONALD
CERTIFIED COURT REPORTER: GM-GLENORA MELENDEZ; CSR# GM-10414
BAILIFF Z. HEINER

APPEARANCES

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY PD DAVE SANDERS PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR TRIAL READINESS

MOTIONS

PEOPLES 1050 MOTION FOR CONTINUANCE IS GRANTED.

HEARINGS

HEARING CONTINUED TO 01/14/2011 AT 8:30 IN DEPARTMENT V3A.

AND:

995 MOTION AND MOTION TO COMPEL
JURY TRIAL SET FOR 01/18/2011 AT 9:00 IN DEPARTMENT V2; ESTIMATED 0 DAYS.
COURT FINDS GOOD CAUSE FOR CONTINUANCE.

CASE IS TO HAVE PRIORITY FOR TRIAL

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

01/10/2011

CANCELED Jury Trial (9:00 AM)
Vacated

01/14/2011

Trial Readiness (8:30 AM). (Judicial Officer: Nakata, Eric M)
Continued Court's motion;

01/14/2011

Trial Readiness (8:31 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/14/2011

Legacy Minutes

EMN, J-JUDGE
CLERK JANA WESTBROOKS
CERTIFIED COURT REPORTER: GM-GLENORA MELENDEZ; CSR# GM-10414
BAILIFF Z. HEINER
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY PD DAVE SANDERS PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR TRIAL READINESS
PARTIES ANNOUNCE READY FOR TRIAL
ESTIMATED TIME IS 3 WEEKS.
MATTER IS ASSIGNED TO DEPARTMENT V2 FORTHWITH
HEARING CONTINUED TO 01/14/2011 AT 8:31 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

01/14/2011

Legacy Minutes

JMT, J-JUDGE
CLERK: TLA-TOBI ANDRE
CERTIFIED COURT REPORTER: SM-12827; CSR# SM-SHAWNA MANNING

SPEEDY
TRIAL

CASE SUMMARY

CASE NO. FVI900518

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR TRIAL READINESS
OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS
TRIAL DATE VACATED.
PARTIES ANNOUNCE READY FOR JURY TRIAL

HEARINGS

JURY TRIAL SET FOR 01/18/2011 AT 10:00 IN DEPARTMENT V2; ESTIMATED 15 DAYS.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES RIGHT TO A CONTINUOUS JURY TRIAL

COURT ORDERS: DEFENDANT BE ALLOWED TO PRINT
LEXIS/NEXIS UP TO 30 PAGES PER SESSION AND
TRANSPORT SAID DOCUMENTS TO AND FROM COURT

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY
DEFENSE REQUEST OTHER ORDERS: SEE ATTACHED MINUTE ORDER
COMMITMENT ISSUED (PENDING)
===== MINUTE ORDER END ===== 0

SPEEDY TRIAL

TRYING TO ASSIST IN DEFENSE LAW LIBRARY

01/18/2011 CANCELED Jury Trial (9:00 AM)
Vacated

01/18/2011 Jury Trial (10:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/18/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: YL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME FOR JURY TRIAL

1ST DAY OF TRIAL.

11:04
OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS

13:59
COURT CONVENES ALL PARTIES PRESENT.

14:00
MOTION(S) IN-LIMINE HELD.

COURT RESERVES RULING OF DEFENSE MOTION TO
DISMISS (DUE TO DELAY IN TRIAL)

BENCH CONFERENCE OFF THE RECORD AT 3:03.
BENCH CONFERENCE ENDS AT 3:04.

RECESS DECLARED 3:06

HEARINGS

JURY TRIAL (IN PROGRESS) CONTINUED TO 01/19/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

JURY PANEL ORDERED FOR 8:30M ON 1/19/2011.

SPEEDY TRIAL MOTION

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/19/2011

Jury Trial (In Progress) (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/19/2011

Legacy Minutes

JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
CERTIFIED COURT REPORTER: MS2-MICHELLE SWAL; CSR# MS2-13580
(10:54)
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

2ND DAY OF TRIAL.

9:25
COURT RECONVENES; ALL PARTIES PRESENT.

MOTION(S) IN LIMINE HELD.

RECESS DECLARED 9:49

10:54
CERTIFIED COURT REPORTER: MS2-MICHELLE SWAL; CSR# MS2-13580

COURT RECONVENES, ALL PARTIES PRESENT. ALL PROSPECTIVE JURORS ARE
PRESENT AND IN THEIR PROPER PLACES

10:54
JURY PANEL CALLED IN AND ROLL CALL TAKEN.

10:59
PROSPECTIVE JURY PANEL HAVING BEEN SUMMONED, IS SWORN REGARDING
THEIR QUALIFICATIONS TO ACT AS TRIAL JURORS.

11:44
VOIR DIRE CONDUCTED BY COURT AND COUNSEL.

12:00
RECESS DECLARED; JURORS ADMONISHED.

14:06
COURT RECONVENES, ALL PARTIES PRESENT. ALL PROSPECTIVE JURORS ARE
PRESENT AND IN THEIR PROPER PLACES

14:06
VOIR DIRE CONTINUES.

BENCH CONFERENCE ON (WITH JUROR #26) THE RECORD AT 2:50.
BENCH CONFERENCE ENDS AT 2:52.

15:17
RECESS DECLARED; JURORS ADMONISHED.

15:47
COURT RECONVENES, ALL PARTIES PRESENT. ALL PROSPECTIVE JURORS ARE
PRESENT AND IN THEIR PROPER PLACES

PREJUDICE
KNOWS
FRANCESCA
SULLIVAN

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

15:47
VOIR DIRE CONTINUES.

BENCH CONFERENCE OFF THE RECORD AT 4:01.
BENCH CONFERENCE ENDS AT 4:02.

16:05
RECESS DECLARED; JURORS ADMONISHED.

COURT ORDERS DEFENDANT BE ALLOWED A DAILY SHAVE
AND BE ALLOWED TO TRIM HIS BEARD EVERY 3 DAYS.

HEARINGS
JURY TRIAL (IN PROGRESS) CONTINUED TO 01/20/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

RECESS DECLARED 4:09

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
DEFENSE REQUEST OTHER ORDERS: DAILY SHAVE TRIM BREAD EVERY 3 DAYS
COMMITMENT ISSUED (PENDING)
===== MINUTE ORDER END ===== 0

JAIL NOT
ALLOWING
PROPER APPEARANCE
SHAVE

01/20/2011 Jury Trial (In Progress) (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/20/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: TLA-TOBI ANDRE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS
3RD DAY OF TRIAL.
JURY PANEL NOW PRESENT, ROLL CALL TAKEN AT 9:20.
COURT RECONVENES AT 9:23
VOIR DIRE CONTINUES.
BENCH CONFERENCE ON THE RECORD AT 10:45 WITH JUROR #15 FROM SEAT #17.
BENCH CONFERENCE ENDS AT 10:47.
RECESS DECLARED AT 10:48 PROSPECTIVE JURORS ADMONISHED

JURY PANEL NOW PRESENT, ROLL CALL TAKEN AT 11:08.
COURT RECONVENES AT 11:10
VOIR DIRE CONTINUES.
BENCH CONFERENCE ON THE RECORD AT 11:12.
BENCH CONFERENCE ENDS AT 11:14.
RECESS DECLARED AT 12:00 NOON-PROSPECTIVE JURORS ADMONISHED

JURY PANEL NOW PRESENT, ROLL CALL TAKEN AT 1:30.
COURT RECONVENES AT 1:39
VOIR DIRE CONTINUES.
BENCH CONFERENCE ON THE RECORD AT 1:55 WITH JUROR #55.
BENCH CONFERENCE ENDS AT 1:57.
12 JURORS AND 0 ALTERNATES ARE SWORN TO TRY THE CAUSE. THE NAMES OF
THE SWORN JURORS AND ALTERNATES ARE SEALED UPON THE RECORDING OF
THE VERDICT.
AND PLACED IN A SEALED ENVELOPE WITHIN THE CASE FILE AT 2:12.

AT 2:21 THREE (3) ALTERNATE JURORS SWORN.
BENCH CONFERENCE OFF THE RECORD AT 2:26.
BENCH CONFERENCE ENDS AT 2:28.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

COURT PRE-INSTRUCTS THE JURY.
RECESS DECLARED AT 2:57-JURY ONLY:JURY ADMONISHED
RECESS DECLARED AT 2:57 JURY ADMONISHED

MOTION(S) IN LIMINE HELD.
RECESS DECLARED AT 3:53

HEARINGS
JURY TRIAL (IN PROGRESS) CONTINUED TO 01/24/2011 AT 9:00 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
DEFENSE REQUEST OTHER ORDERS: COURT ORDERS DAILY SHAVE/TRIM BEARD
EVERY 3 DAYS
COMMITMENT ISSUED (PENDING)
===== MINUTE ORDER END ===== 0

01/24/2011 Jury Trial (In Progress) (9:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/24/2011 Note
MEDIA REQUEST AND ORDER FILED

01/24/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: YL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAW'NA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

4TH DAY OF TRIAL.

9:01
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

PEOPLE'S EXHIBIT(S) 1 THROUGH 40 MARKED FOR IDENTIFICATION.
(SEE EXHIBIT LIST FOR DESCRIPTIONS)

9:16

9:17
OPENING STATEMENTS GIVEN BY THE PEOPLE.

9:36
OPENING STATEMENTS RESERVED BY THE DEFENSE.

9:36
PEOPLE'S CASE IN CHIEF.

9:37

9:37

RECESS DECLARED; JURORS ADMONISHED.

10:48
COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

BENCH CONFERENCE ON THE RECORD AT 10:48.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

BENCH CONFERENCE ENDS AT 10:51.

10:52

11:28

WITNESS DARYL KRAEMER MAY REMAIN IN COURTROOM
AS AN EXCEPTION TO THE WITNESS EXCLUSION ORDER.

11:29

11:58

RECESS DECLARED; JURORS ADMONISHED.

13:38

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

13:38

14:06

MARTA KRAEMER MAY REMAIN IN THE COURTROOM AS AN
EXCEPTION TO THE WITNESS EXCLUSION ORDER.

14:08

14:22

14:24

14:52

RECESS DECLARED; JURORS ADMONISHED.

15:08

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

15:08

BENCH CONFERENCE ON THE RECORD AT 3:32.
BENCH CONFERENCE ENDS AT 3:33.

15:34

15:35

16:27

RECESS DECLARED; JURORS ADMONISHED.

16:28

COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

RECESS DECLARED 4:34

HEARINGS

JURY TRIAL (IN PROGRESS) CONTINUED TO 01/25/2011 AT 10:00 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

D
KRAEMER

M.
KRAEMER

01/25/2011

Jury Trial (In Progress) (10:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

01/25/2011

Legacy Minutes

JMT, J-JUDGE

CLERK: VL-VICKIE LO VASCO

CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.

DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT

DEFENDANT PRESENT IN CUSTODY.

-
PROCEEDINGS

ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

-
5TH DAY OF TRIAL.

-
10:00

COURT RECONVENES; ALL PARTIES PRESENT.

JURORS NOT PRESENT.

-
PEOPLE'S EXHIBIT(S) 41 THROUGH 47 MARKED FOR IDENTIFICATION.
(SEE EXHIBIT LIST FOR DESCRIPTIONS)

-
10:00

MOTION(S) IN LIMINE HELD.

-
10:06

-
10:08

-
11:15

RECESS DECLARED; JURORS ADMONISHED.

-
11:27

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

-
11:27

-
11:27

-
11:28

-
11:57

RECESS DECLARED; JURORS ADMONISHED.

-
13:34

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

-
13:34

-
13:57

-
13:58

-
BENCH CONFERENCE ON THE RECORD AT 2:39.
BENCH CONFERENCE ENDS AT 2:42.

-
14:47

-
14:47

RECESS DECLARED; JURORS ADMONISHED.

-
15:03

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

-
15:04

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

PREJUDICE
JUROR

15:06
RECESS DECLARED; JURORS ADMONISHED.

15:08
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.
JUROR IN SEAT 12 PRESENT - JUROR MAKES DISCLOSURE
ON THE RECORD REGARDING WITNESS FRANCESCA
SULLIVAN.

BENCH CONFERENCE ON THE RECORD AT 3:14.
BENCH CONFERENCE ENDS AT 3:16.

BENCH CONFERENCE ON THE RECORD AT 3:17.
BENCH CONFERENCE ENDS AT 3:18.

15:20

15:21

15:32

15:33
RECESS DECLARED; JURORS ADMONISHED.

15:34
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

RECESS DECLARED 3:39

HEARINGS
JURY TRIAL (IN PROGRESS) CONTINUED TO 01/26/2011 AT 9:00 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/26/2011 Jury Trial (In Progress) (9:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/26/2011 Note
STIP TO WAIVE DEFTS PRESENCE AT READ BACK FILED

01/26/2011 Note
STIP RE: JURY ADMONITION ETC FILED

01/26/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAUNNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

6TH DAY OF TRIAL.

PEOPLE'S EXHIBIT(S) 48-AUTOPSY PROTOCOL MARKED FOR IDENTIFICATION.

9:44
COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

JURORS ARE PRESENT AND IN THEIR PLACES.

JUROR IN SEAT #1 NOT PRESENT.

BENCH CONFERENCE OFF THE RECORD AT 9:44.
BENCH CONFERENCE ENDS AT 9:47.

9:47
JUROR IN SEAT #1 PRESENT.

9:47

BENCH CONFERENCE ON THE RECORD AT 10:01.
BENCH CONFERENCE ENDS AT 10:03.

10:07

10:08

10:31

10:32

10:59

11:00
RECESS DECLARED; JURORS ADMONISHED.

11:01
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

RECESS DECLARED 11:08

13:35
COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE
JURORS ARE PRESENT AND IN THEIR PLACES.

13:36

14:33

14:35
RECESS DECLARED; JURORS ADMONISHED.

14:36
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

RECESS DECLARED 2:44

14:51
COURT AND COUNSEL REVIEW JURY INSTRUCTIONS OFF
THE RECORD IN OPEN COURT - DEFENDANT PRESENT.

15:47
COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

BY STIPULATION COURT REPORTER IS WAIVED
DURING THE PLAYING OF THE RECORDING TOMORROW.

RECESS DECLARED 3:55

HEARINGS
JURY TRIAL (IN PROGRESS) CONTINUED TO 01/27/2011 AT 9:00 IN DEPARTMENT 12.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/27/2011 Jury Trial (In Progress) (9:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/27/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

7TH DAY OF TRIAL.

9:15

COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE JURORS ARE PRESENT AND IN THEIR PLACES.

PEOPLE'S EXHIBIT(S) 49-CD INTERVIEW WITH DEFENDANT MARKED FOR IDENTIFICATION.

PEOPLE'S EXHIBIT(S) 49A-TRANSCRIPT OF EXHIBIT 49 MARKED FOR IDENTIFICATION.

9:16

9:27
EXHIBIT 49 (CD) PLAYED IN OPEN COURT - COURT REPORTER WAIVED DURING THE PLAYING OF EXHIBIT 49.

10:35
RECESS DECLARED; JURORS ADMONISHED.
(ADMONISHED OFF THE RECORD)

10:51
COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE JURORS ARE PRESENT AND IN THEIR PLACES.
(OFF THE RECORD)

10:52
PLAYING OF EXHIBIT 49 (CD) CONTINUES.

11:58
RECESS DECLARED; JURORS ADMONISHED.
(ADMONISHED OFF THE RECORD)

13:34
COURT RECONVENES, ALL PARTIES PRESENT. ALL JURORS AND ALTERNATE JURORS ARE PRESENT AND IN THEIR PLACES.
(OFF THE RECORD)

13:35
PLAYING OF EXHIBIT 49 (CD) CONTINUES.

14:17
EXHIBIT 49 (CD) ENDS.

14:17
BACK ON THE RECORD

46-49A
IN COURT

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

COUNSEL STIPULATES THAT MORNING AND LUNCH RECESSES WHERE JURY WAS ADMONISHED (OFF THE RECORD) WAS DONE ACCORDING TO COURT PROCEDURES. COUNSEL STIPULATES THAT COURT PROCEDURES WERE FOLLOWED WHEN COURT RECONVENED (OFF THE RECORD)

14:18

14:35

14:34

PEOPLE REST.

14:35

DEFENSE REST.

BENCH CONFERENCE OFF THE RECORD AT 2:35.
BENCH CONFERENCE ENDS AT 2:37.

14:38

JURY QUESTION RECEIVED
RECESS DECLARED; JURORS ADMONISHED.

14:40

COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

14:41

ACTION CAME ON FOR DEFENSE 1118.1 MOTION.

ARGUMENT PRESENTED BY COUNSEL FOR THE DEFENSE.
ARGUMENT PRESENTED BY COUNSEL FOR THE PEOPLE.

DEFENSE MOTION 1118.1 IS DENIED.

COURT AND COUNSEL DISCUSS DEFENSE REQUEST TO HAVE COURT INSTRUCT JURY TO DISREGARD LINES 10 THROUGH 12 OF EXHIBIT 49A (TRANSCRIPT)
DEFENSE MAY BRING AUTHORITY FOR COURT TO REVIEW.

RECESS DECLARED 2:57

RECESS DECLARED 2:56

15:26

COURT RECONVENES; ALL PARTIES PRESENT.
JURORS NOT PRESENT.

PEOPLE'S EXHIBIT(S) 1 THROUGH 29 ENTERED INTO EVIDENCE.
PEOPLE'S EXHIBIT(S) 33 THROUGH 37 ENTERED INTO EVIDENCE.
PEOPLE'S EXHIBIT(S) 39 ENTERED INTO EVIDENCE.
PEOPLE'S EXHIBIT(S) 41 THROUGH 49A ENTERED INTO EVIDENCE.
(EXHIBITS ENTERED BY STIPULATION)

COURT AND COUNSEL DISCUSS JUROR QUESTION.

COURT AND COUNSEL REVIEW JURY INSTRUCTIONS ON THE RECORD.

RECESS DECLARED 4:00

HEARINGS

JURY TRIAL (IN PROGRESS) CONTINUED TO 01/31/2011 AT 9:00 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
(JURORS ORDERED BACK AT 9AM - COUNSEL ORDERED BACK AT 8:30)

NO DEFENSE
NO OBJECTION
BY
COUNSEL
EVERY MOTION
IMPROPERLY
WRITTEN OR
RESERVED

LACK OF
AUTHORITY
TO DEFEND

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/31/2011 Jury Trial (In Progress) (9:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/31/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: TLA-TOBI ANDRE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS
8TH DAY OF TRIAL.

COURT RECONVENES AT 8:44 JURY NOT PRESENT/DEFENDANT NOT PRESENT
DEFENDANT'S PRESENCE WAIVED.
COURT AND COUNSEL DISCUSS JURY INSTRUCTIONS
RECESS DECLARED AT 8:50

COURT RECONVENES AT 9:17-JURY NOT PRESENT
COURT AND COUNSEL DISCUSS JURY INSTRUCTIONS

COURT GIVES JURY INSTRUCTIONS.
RECESS DECLARED AT 10:17

COURT RECONVENES AT 10:34

CLOSING ARGUMENTS PRESENTED BY DDA JOHN THOMAS (10:35).
CLOSING ARGUMENTS PRESENTED BY DPD DAVE SANDERS (11:10).
RECESS DECLARED AT 12:00-JURORS ADMONISHED

COURT RECONVENES AT 1:38
CLOSING ARGUMENTS PRESENTED BY (CONTINUE) DPD DAVE SANDERS (1:38).
REBUTTAL BY DDA JOHN THOMAS (2:15).
COURT GIVES JURY INSTRUCTIONS.
JURY INSTRUCTIONS FILED.
BAILIFF PETE FLIEGNER SWORN AT 2:44
JURY COMMENCES DELIBERATIONS AT 2:44.
ALTERNATE JURORS (3) RELEASED TO BE ON CALL
RECESS DECLARED AT 2:51
JURY RECESS DELIBERATIONS AT 4:30.

HEARINGS
JURY TRIAL (JURY DELIBERATION) CONTINUED TO 02/01/2011 AT 8:30 IN
DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

02/01/2011 Jury Trial (Deliberations) (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

02/01/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: TLA-TOBI ANDRE
CLERK: VL-VICKIE LO VASCO
(PM SESSION)
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827

CLOSING
STATEMENTS

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS BY PHIL ZYWICIEL PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR JURY TRIAL-IN PROGRESS
9TH DAY OF TRIAL.

JURY RESUMES DELIBERATIONS AT 8:40.
JURY RECESS DELIBERATIONS AT 10:30.

JURY RECESS DELIBERATIONS 1:30.
JURY RESUMES DELIBERATIONS 2:55.

RECESS DECLARED FOR JURORS

HEARINGS

JURY TRIAL (JURY DELIBERATION) CONTINUED TO 02/02/2011 AT 8:30 IN
DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

02/02/2011 Jury Trial (Deliberations) (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

02/02/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: YL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEPUTY PUBLIC DEFENDER PHIL ZYWICIEL FOR DAVE SANDERS (2:44) PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

10TH DAY OF TRIAL.

8:30
JURY RESUME DELIBERATIONS 8:30.

8:41
JURY QUESTION(S) 1.

9:16
COURT RECONVENES; ALL PARTIES PRESENT.
DEFENDANT NOT PRESENT.
JURORS NOT PRESENT.

JURY QUESTION 1 DISCUSSED AND REPLY SENT BACK
TO JURY.

9:36
JURY QUESTION(S) 2.

JURY QUESTION 2 DISCUSSED OFF THE RECORD AND
REPLY SENT BACK TO JURY.

10:05
READ BACK BEGINS

10:14

SANDERS
QUEST.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

READ BACK ENDS

10:45
RECESS DECLARED FOR JURORS

11:00
JURY RESUMES DELIBERATIONS 11:00.

12:00
RECESS DECLARED FOR JURORS

13:35
JURY RESUMES DELIBERATIONS 1:35.

14:44
COURT RECONVENES; ALL PARTIES PRESENT.
DEFENDANT NOT PRESENT.
JURORS NOT PRESENT.

DPD PHIL ZYWICIEL PRESENT FOR DPD DAVE SANDERS.

14:56
DEFENDANT PRESENT.

JURY INDICATES THAT THEY MAY BE DEAD LOCKED BUT
FURTHER DELIBERATIONS MAY BE HELPFUL.

JURY ORDERED BACK AT 9AM ON 2/3/2011 TO
CONTINUE DELIBERATIONS.

15:03
RECESS DECLARED; JURORS ADMONISHED.

RECESS DECLARED 3:08

HEARINGS
JURY TRIAL (JURY DELIBERATION) CONTINUED TO 02/03/2011 AT 9:00 IN
DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

02/03/2011 Jury Trial (Deliberations) (9:00 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

02/03/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SA-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEPUTY PUBLIC DEFENDER PHIL ZYWICIEL (PM) PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR JURY TRIAL-IN PROGRESS

11TH DAY OF TRIAL.

9:10
JURY RESUME DELIBERATIONS 9:10.

10:47
RECESS DECLARED 10:47

DEADLOCK

DEADLOCK

DEADLOCK

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

DEADLOCK

DEADLOCK

VERDICT

ATTEMPTED

11:09
JURY RESUMES DELIBERATIONS 11:09.
-
RECESS DECLARED FOR JURORS - 12:00

13:30
JURY RESUME DELIBERATIONS 1:30.
-
RECESS DECLARED FOR JURORS - 3:22

15:50
JURY RESUME DELIBERATIONS 3:50.

16:35
COURT RECONVENES; ALL PARTIES PRESENT.
DPD PHIL ZYWICIEL FOR DPD DAVE SANDERS
JURY PRESENT

16:37
VERDICT READ BY COURT CLERK

VERDICT
WE THE JURY IN THE ABOVE-ENTITLED ACTION, FIND THE DEFENDANT JOHN HENRY YABLONSKY, GUILTY IN COUNT 1, A VIOLATION OF SECTION 187(A) PC. JURY FINDS THAT THE MURDER OF RITA MABEL COBB WAS COMMITTED BY JOHN HENRY YABLONSKY WHILE SAID DEFENDANT WAS ENGAGED IN THE COMMISSION OF AND/OR THE ATTEMPTED COMMISSION OF THE CRIME OF RAPE (PC190.2(A)(17)) (THE ABOVE FOUND "TRUE")

16:39
JURORS POLLED ON VERDICT(S).

16:41
COURT GIVES JURY INSTRUCTIONS.

16:44
JURORS THANKED AND EXCUSED.

HEARINGS
SENTENCING SET FOR 04/08/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES TIME FOR SENTENCING.
DEFENSE MOTIONS DUE BY 3/25/2011

REFERRAL
REFERRED TO PROBATION OFFICE FOR PRESENTENCE INVESTIGATION AND REPORT.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
PROBATION OFFICE NOTIFIED.
===== MINUTE ORDER END ===== 0

02/08/2011

Exhibits List Filed
EXHIBITS LIST FILED

02/08/2011

Exhibit(s) & Exhibit List Received From Court; Clerk's Copy
EXHIBIT(S) & EXHIBIT LIST RECEIVED FROM COURTROOM; CLERK'S COPY RETURNED TO COURTROOM.

02/28/2011

Note
MARSدين MTN FILED 022511

MARSدين
5
TRIN

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

Off Motion

*COA
APPEALS
MINUTES*

02/28/2011 Forwarded:
FORWARDED MTN TO V2

02/28/2011 Note
NOTICE OF APPEAL RC'D BY MAIL (2/25/11)

02/28/2011 Note
MOTION FOR APPT FOR COUNSEL ON APPEAL RCV 2/25/11

02/28/2011 Faxed Documents
ALL NECESSARY DOCUMENTS FAXED TO APPEALS.

02/28/2011 Note
NOTICE OF APPEAL RC'D (2/25/11) BY MAIL

03/01/2011 Note
PREMATURE APPEAL RECEIVED ON 2/25/11

03/11/2011 Received An Order From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

03/14/2011 Letter Received
LETTER DATED 03/10/2011 RECEIVED FROM SB CO SHERIFF RE: PRO PER STATUS

03/14/2011 Note
CORRESPONDENCE REC'D FROM W'VC

03/17/2011 Note
RFA REC'D SENT TO APPELLATE COUNSEL

03/24/2011 Forwarded:
FORWARDED LETTER DATED 03/10/11 TO V2

03/28/2011 Copy Sent:
COPY OF MINUTE ORDER 02/03/11 SENT TO PROBATION DEPT.

04/04/2011 Ex Parte Hearing (1:51 PM) (Judicial Officer: Tomberlin, John M)
Held;

04/04/2011 Legacy Minutes
*JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
REPORTER NOT REPORTED*
-
*PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING*
-
*COURT HAS READ AND CONSIDERED LETTER RECEIVED
FROM ROBERT DORROUGH SUPPORT SERVICES -W'VC
SERGEANT.*
-
*THE COURT PREVIOUSLY ISSUED AN ORDER TO PERMIT
DEFENDANT TO PRINT OUT INFORMATION FROM THE
COMPUTERS IN THE WEST VALLEY DETENTION CENTER
LAW LIBRARY.*
-
*THE COURT HAVING READ AND CONSIDERED THE LETTER
FINDS THAT THIS ORDER WAS CONTRARY TO JAIL
POLICY.*
-
COURT'S MOTION TO FOLLOW JAIL POLICY IS GRANTED.
-
CUSTODY STATUS

VICTORYVILLE
CASE SUMMARY
CASE NO. FVI900518

OFFENSE
MOTIONS
VASCO

CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

04/05/2011

Note
MTN TO RECEIVE TRANSCRIPTS FILED 03/21/11

04/05/2011

Note
P & A IN SUPP OF NEW TRIAL FILED 03/24/11

04/05/2011

Forwarded:
FORWARDED MTN TO V2

04/05/2011

Forwarded:
FORWARDED P & A TO V2

04/07/2011

Forwarded:
FORWARDED PROBATION REPORT TO V2

04/07/2011

Probation Officer's Report filed
PROBATION OFFICER'S REPORT FILED 04/07/2011

04/08/2011

Sentencing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

04/08/2011

Legacy Minutes
JMT, J-JUDGE
CLERK: V'L-VICKIE LO VASCO
CERTIFIED COURT REPORTER: KM3-KELLY MAGGS; CSR# KM3-13384
DEPUTY DISTRICT ATTORNEY CARRIE HALGRIMSON FOR JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING

STIPULATED MOTION FOR CONTINUANCE IS GRANTED.
(FOR COURT TO REVIEW MOTIONS)

HEARINGS
HEARING CONTINUED TO 04/15/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES TIME FOR SENTENCING.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

04/15/2011

Sentencing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

04/15/2011

Legacy Minutes
JMT, J-JUDGE
CLERK: V'L-VICKIE LO VASCO
CERTIFIED COURT REPORTER: KM3-KELLY MAGGS; CSR# KM3-13384
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING

ACTION CAME ON FOR MARSDEN MOTION

COURT STAFF: DPD DAVE SANDERS/DPD STEVE BREMSER/

VICTORYVILLE
CASE SUMMARY
CASE No. FVI900518

DEFENDANT PRESENT.

DDA JOHN THOMAS WAIVES HIS PRESENCE.

MASDEN MOTION IS CONTINUED TO 4/22/2011.
POINTS AND AUTHORITIES ARE TO BE FILED REGARDING
MOTION FOR NEW TRIAL BASED ON INEFFECTUAL
COUNSEL.

TRANSCRIPTS OF IN-CAMERA HEARING ORDERED SEALED.

RESUME OPEN COURT

STIPULATED MOTION FOR CONTINUANCE IS GRANTED.

HEARINGS
HEARING CONTINUED TO 04/22/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

04/22/2011 Sentencing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

04/22/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: JL-JACKIE LAWRENCE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
SPECIAL APPEARANCE BY DDA JOHN FERMINA FOR DDA JOHN THOMAS.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING

9:36
IN-CAMERA HEARING HELD.
DEFENDANT'S MOTION FOR FURTHER ARGUMENT RE: MARSDEN.
DEFENDANT'S MOTION RE: MARSDEN IS DENIED.
TRANSCRIPTS OF IN-CAMERA HEARING ORDERED SEALED.

PEOPLE STATE THAT MOTION FOR NEW TRIAL BE
CONSIDERED DUE TO UNEFFECTIVE REPRESENTATION
BY COUNSEL.

COURT WILL APPOINT CONFLICT PANEL TO REVIEW
MOTION FOR NEW TRIAL.

ATTORNEY INFORMATION
COURT APPOINTS CONFLICT PANEL ATTORNEY.
PUBLIC DEFENDER REAPPOINTED.
NO DISCOVERY IN FILE.

HEARINGS
HEARING ON MOTION RE: SENTENCE RE: NEW TRIAL SET FOR 05/06/2011 AT 8:30 IN
DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES TIME FOR SENTENCING.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0
CONFLICT PANEL NOTIFIED.

4/15/11
MARS DEN
HEARING

MARS DEN
HEARING

CONFLICT
APPOINTED

CASE SUMMARY

CASE NO. FVI900518

05/06/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion:

05/06/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: JL-JACKIE LAWRENCE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
ATTORNEY CONFLICT PANEL- RON POWELL PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING
REQUEST FOR NEW TRIAL
CONFIRMATION OF COUNSEL

MOTIONS
CONFLICT PANEL MOTION TO CONTINUE MATTER.
CONFLICT PANEL ATTORNEY RON POWELL STATES
THAT STUART O'MEL'ENY WILL BE CONNSEL ON
THIS MATTER.

COURT'S MOTION TO CONTINUE TO CONFIRM COUNSEL IS GRANTED.

HEARINGS
HEARING CONTINUED TO 05/13/2011 AT 8:30 IN DEPARTMENT V2.
(TO CONFIRM COUNSEL AT NEXT HEARING)

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY.
===== MINUTE ORDER END ===== 0

05/13/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

05/13/2011 Forwarded:
FORWARDED ORIGINAL REMITTITUR TO VICTORVILLE FOR REVIEW

05/13/2011 Decision By Reviewing Court:
APPEAL IS DISMISSED BY REVIEWING COURT

05/13/2011 Remittitur filed
REMITTITUR FILED.

05/13/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: JL-JACKIE LAWRENCE
CERTIFIED COURT REPORTER: DR-DEBBIE ROGERS; CSR# DR-4639
DEPUTY DISTRICT ATTORNEY GARY ROTH PRESENT.
DEPUTY PUBLIC DEFENDER PHILIP ZYWICIEL PRESENT
SPECIAL APPEARANCE BY ATTORNEY CDP-BRANDON WOOD FOR ATTORNEY CDP-
HARLIN BRANSKI.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING

MOTIONS
CONFLICT PANEL'S MOTION TO CONTINUE IS GRANTED.
SO THAT ATTORNEY HARLIN BRANSKI CAN MEET AND
TALK WITH THE DEFENDANT

HEARINGS
HEARING CONTINUED TO 05/20/2011 AT 8:30 IN DEPARTMENT V2.

CONFLICT
APPEAL

CONFLICT
APPEAL

CASE SUMMARY

CASE NO. FVI900518

DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES TIME FOR SENTENCING.

CUSTODY STATUS

CASE CUSTODY - IN CUSTODY

===== MINUTE ORDER END ===== 0

05/17/2011 Remittitur Received And Sent To Department
REMITTITUR RECEIVED AND SENT TO DEPARTMENT V2

05/20/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

05/20/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: JL-JACKIE LAWRENCE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
SPECIAL APPEARANCE BY DDA MIKE FERMIN FOR DDA JOHN THOMAS.
SPECIAL APPEARANCE BY ATTORNEY CDP-~~RON~~ POWELL FOR ATTORNEY CDP-HAL SMITH.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING

MOTIONS
DEFENSE'S MOTION TO CONTINUE MATTER IS GRANTED.
CONFIRM COUNSEL AND SET DATES

HEARINGS
HEARING CONTINUED TO 06/15/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.
DEFENDANT WAIVES TIME FOR SENTENCING.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

05/23/2011 Note
(5/20/11) JUDGE TOMBERLIN-NO ACTION

06/15/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

06/15/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: JL-JACKIE LAWRENCE
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
ATTORNEY CONFLICT PANEL-H. CHARLES SMITH PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
COURT CONFIRMS CONFLICT PANEL H. CHARLES SMITH
AS ATTORNEY TO REVIEW RECORDS TO DETERMINE
IF MOTION FOR NEW TRIAL IS NEEDED

HEARINGS
HEARING CONTINUED TO 09/09/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CSR SHAWNA MANNING IS DIRECTED BY THE COURT TO PREPARE A TRANSCRIPT

HAC SMITH
NPP

H.S.

CASE SUMMARY

CASE NO. FVI900518

RECORDED
REQ

OF THE PROCEEDINGS HELD ON ENTIRE TRIAL. COPY OF MINUTE ORDER GIVEN TO REPORTER.
ORIGINAL PLUS ONE COPY TO H. CHARLES SMITH OF THE CONFLICT PANEL
ONE COPY TO DISTRICT ATTORNEY'S OFFICE

CSR MICHELLE SWAL IS DIRECTED BY THE COURT TO PREPARE A TRANSCRIPT OF THE PROCEEDINGS HELD ON 011911. COPY OF MINUTE ORDER GIVEN TO REPORTER.
ORIGINAL PLUS TWO COPIES

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

09/02/2011 Reporter's Claim For Transcript Received And Processed
REPORTER'S CLAIM FOR TRANSCRIPT DATED 01/18/2011, RECEIVED AND PROCESSED.

09/02/2011 Transcript
TRIAL TRANSCRIPT TO DISTRICT ATTORNEY

09/02/2011 Transcript
TRIAL TRANSCRIPT TO DEFENSE ATTORNEY LOCATED AT FRONT COUNTER

09/09/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

09/09/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY CONFLICT PANEL-H. CHARLES SMITH PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
(MOTION FOR NEW TRIAL/SENTENCING)

DEFENSE MOTION FOR CONTINUANCE IS GRANTED.
(TO REVIEW TRANSCRIPTS)

HEARINGS
HEARING CONTINUED TO 12/02/2011 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

12/02/2011 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion:

12/02/2011 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: MS2-MICHELLE SWAL; CSR# MS2-13580
DEPUTY DISTRICT ATTORNEY GARY ROTH PRESENT.
ATTORNEY CONFLICT PANEL-H. CHARLES SMIT PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS
ACTION CAME ON FOR SENTENCING
(MOTION FOR NEW TRIAL)

NO
RECORDS

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

-
DEFENSE MOTION FOR CONTINUANCE IS GRANTED.
(TO FURTHER PREPARE FOR TRIAL)
-

HEARINGS
HEARING CONTINUED TO 01/20/2012 AT 8:30 IN DEPARTMENT V2.
(STATUS HEARING)
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

-
DEFENSE MOTION FOR NEW TRIAL DUE 01/20/2012.
-

CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

01/20/2012 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

01/20/2012 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: JB-JENNIFER BOROS; CSR# JB-13355
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY CHARLES SMITH PRESENT.
DEFENDANT PRESENT IN CUSTODY.

-
PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
(MOTION FOR NEW TRIAL)
-
DEFENSE MOTION FOR CONTINUANCE TO FILE MOTION IS GRANTED.

HEARINGS
HEARING CONTINUED TO 02/24/2012 AT 10:00 IN DEPARTMENT V2.
(SPECIAL SETTING FOR 10AM)
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

-
CUSTODY STATUS
CASE CUSTODY - IN CUSTODY
===== MINUTE ORDER END ===== 0

02/15/2012 Motion
MOTION FOR NEW TRIAL P&A'S FILED 02/15/2012

02/15/2012 Forwarded:
FORWARDED MOTION FRO NEW TRIAL TO V2 BIN

02/21/2012 Note
CORRESPONDENCE RCVD FROM DEFENDANT 021712

02/23/2012 Motion
MOTION OPPOSITION TO DEFTS MOTION FOR NEW TRIAL FILED 02/23/201

02/23/2012 Forwarded:
FORWARDED OPPOSITION MOTION TO DEPT V2

02/24/2012 Motion Hearing (10:00 AM) (Judicial Officer: Tomberlin, John M)
Held;

02/24/2012 Sentenced (Judicial Officer: Tomberlin, John M)
1. PC187(A)-F: Murder
09/20/1985 (FEL) 187(A) (PC187(A)-F)
Charge #: 001 Allegation:

*REC
REC. JUST
REC.*

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

Adult Confinement

Type: County Jail
Facility: San Quentin
Life
Credit for Time Served - Actual: 1084 Days
Conduct Credit: 542 Days
Balance to be served at credit rate of PC 2933.2 (No Credit)
Comment: 40610B Flag: N Drug Court Flag: N

Converted Disposition:

02/24/2012

Legacy Minutes

JMT, J-JUDGE
CLERK: SJI-SHIRLEY JAUREGUI
CERTIFIED COURT REPORTER: FM-FRANCES MACIAS; CSR# FM-10918
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY CHARLES SMITH PRESENT.
DEFENDANT PRESENT IN CUSTODY.

PROCEEDINGS

ACTION CAME ON FOR POST DISPO HEARING
(SENTENCE/RE: NEW TRIAL)
COURT HAS READ AND CONSIDERED PROBATION OFFICER'S REPORT.

MOTIONS

DEFENSE MOTION FOR NEW TRIAL IS HEARD.
ISSUES ARGUED AND SUBMITTED.
THE COURT HAS READ AND CONSIDERED THE MOTION FOR
A NEW TRIAL AND THE POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR A NEW TRIAL AND THE EXHIBITS
CONTAINED WITHIN.

COURT FINDS:

DEFENSE MOTION FOR A NEW TRIAL IS DENIED.
THE COURT DID OBSERVE THE TRIAL AND DID NOT FIND
DEFENSE COUNSEL TO BE INCOMPETENT OR INEFFECTIVE.

THE COURT ORDERS EXHIBIT "P" REMOVED FROM MOTION
FOR NEW TRIAL AND BE PLACED IN A SEPARATE ENVELOPE
IN THE COURT FILE AND SEALED.

THE COURT FURTHER ORDERS THE FOLLOWING IN THE
MOTION FOR NEW TRIAL:

**LINE #6 ON PAGE 14-COURT ORDERS THE NAMES OF
THE TWO WITNESSES BE REDACTED FROM THE MOTION.

**LINE #9 ON PAGE 14-THE SENTENCE SHALL END AFTER
THE WORD "INFORMATION" AND THE COMMA WILL BE
REPLACED WITH A PERIOD. THE REST OF THE SENTENCE
AFTER "INFORMATION" SHALL BE DELETED FROM THE
MOTION. (THROUGH LINE #12)

ATTORNEY CHARLES SMITH TO PREPARE AN AMENDED
PAGE 14 OF THE MOTION FOR NEW TRIAL.

DEFENDANT REQUESTS A FARETTA MOTION.
THE COURT INQUIRES THE DEFENDANT.
THE COURT DENIES THE FARETTA MOTION.

VICTIM IMPACT STATEMENT MADE BY DARYL KRAEMER.

FINDINGS/ADVISALS:

FORMAL ARRAIGNMENT FOR PRONOUNCEMENT OF JUDGMENT IS WAIVED; NO
LEGAL CAUSE WHY JUDGMENT SHOULD NOT NOW BE PRONOUNCED.
PURSUANT TO SECTION 13350, VEHICLE CODE, THE COURT FINDS A MOTOR
VEHICLE WAS NOT USED IN THE COMMISSION OF THE OFFENSE.
COURT FINDS DEFENDANT IS NOT ABLE TO REIMBURSE THE COUNTY FOR

ADVISE
DISC
COUNSEL
APPEARANCE
IN CT
NOT INLETT
POINT ON
MOTION

CASE SUMMARY

CASE NO. FVI900518

ATTORNEY FEES.

THE COURT FINDS THAT THE DEFENDANT DOES NOT HAVE THE PRESENT ABILITY TO PAY THE COST OF CONDUCTING THE PRE-SENTENCE INVESTIGATION AND PREPARING

THE REPORT PURSUANT TO SECTION 1203.1(B) OF THE PENAL CODE.

PURSUANT TO PC296(A)(1) THE SHERIFF IS DIRECTED TO OBTAIN THE REQUIRED SAMPLES FROM THE DEFENDANT UNLESS THE SHERIFF VERIFIES THAT A PC 296 SAMPLE

HAS BEEN PREVIOUSLY BEEN OBTAINED FROM THE DEFENDANT AND IS CURRENTLY ON FILE

CRIMINAL ASSESSMENT AND COURT OPERATIONS ASSESSMENT OF \$70 PER CONVICTION FOR COUNT(S) 1 PAYABLE TO THE DEPARTMENT OF CORRECTIONS. COURT RETAINS JURISDICTION ON ISSUE OF RESTITUTION PURSUANT TO PC1202.46.

SENTENCING INFORMATION

PROBATION IS DENIED AND SENTENCE IS IMPOSED AS FOLLOWS:

SENTENCED TO LIFE WITHOUT POSSIBILITY OF PAROLE AS TO COUNT(S) 1.

PRINCIPAL COUNT DEEMED COUNT #1.

SENTENCED TO STATE PRISON FOR A TOTAL INDETERMINATE SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE.

CREDIT FOR TIME SERVED (1084 ACTUAL + 542 CONDUCT) FOR A TOTAL OF 1626 DAYS.

CONDUCT CREDIT PURSUANT TO 1-PC4019

SENTENCE TO RUN CONCURRENT TO ANY OTHER TIME OBLIGATED TO SERVE.

COURT FULLY ADVISES DEFENDANT OF HIS/HER APPEAL RIGHTS.

CUSTODY STATUS

CASE CUSTODY - STATE PRISON

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF TO BE DELIVERED TO CALIFORNIA DEPARTMENT OF CORRECTIONS AT CHINO.

PROBATION OFFICE NOTIFIED.

==MINUTE ORDER CHANGED OR CORRECTED BY SHIRLEY JAUREGUI TO DISPO HEARING; CHANGES MADE ARE AS FOLLOWS: DELETE PC1203.45 FINE-NO PAROLE==

CLERK'S OFFICE TO NOTIFY DEPT. OF CORRECTIONS.

=====MINUTE ORDER CORRECTED ON 04/14/2014=====

==MINUTE ORDER CHANGED OR CORRECTED BY SHIRLEY JAUREGUI TO DISPO HEARING; CHANGES MADE ARE AS FOLLOWS: STRIKE ALL PC1202.4 FINE==

=====MINUTE ORDER CORRECTED ON 06/24/2014=====

CLERK'S OFFICE TO NOTIFY DEPT. OF CORRECTIONS..

- 02/28/2012 Motion
MOTION FOR NEW TRIAL PG 14 MODIFIED FILED 02/28/2012
- 02/28/2012 Forwarded:
FORWARDED MODIFIED MOTION TO V4 BIN
- 03/05/2012 Certified Copy Sent
CERTIFIED COPY OF 022412 MIN ORDER SENT TO SAN BERN DA OFFICE.
- 03/05/2012 Abstract of Judgment - State Prison
ABSTRACT OF JUDGMENT-PRISON COMMITMENT FILED.
- 03/05/2012 Prison Pack Sent Via Sheriff's Transportation
PRISON PACK SENT VIA SHERIFF'S TRANSPORTATION
- 03/09/2012 Ex Parte Hearing (4:25 PM)
- 03/09/2012 Notice of Appeal Filed
NOTICE OF APPEAL FILED 03/09/2012.
- 03/09/2012 Clerk's Notification of Filing Of Notice of Appeal Sent

RES
70

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

CLERK'S NOTIFICATION OF FILING OF NOTICE OF APPEAL SENT

03/09/2012 Legacy Minutes
CLERK: S0529-DIANNE TRUJILLO
NOTICE OF APPEAL FILED
CUSTODY STATUS
CASE CUSTODY - STATE PRISON

03/14/2012 Case Reassigned to Another District
CASE REASSIGNED TO AS- APPEALS DISTRICT.

03/14/2012 Records received
EXHIBITS/RECORDS RECEIVED 03/14/2012 FROM VICTORVILLE

03/14/2012 Copies Of Exhibits Sent To Appeals
COPIES OF EXHIBITS SENT TO APPEALS: 38 39 40 41 42 43 44 45 46 47 48 49A.

04/04/2012 Original Clerk's transcript submitted - 1-5 volumes
ORIGINAL CLERK'S TRANSCRIPT CONSIST OF *V1-5 VOLUME(S).

04/09/2012 Case Reassigned to Another District
CASE REASSIGNED TO VS- VICTORVILLE DISTRICT.

05/22/2012 Note
REC'D 987.2 REQUEST FOR ATTY FEES

05/24/2012 Claim Filed
CLAIM FILED FOR RT'S BY S MANNING FOR 073010 100810 011811 011911 012011

05/24/2012 Reporter's Transcript On Appeal And Bill Rcvd On This Date
REPORTER'S TRANSCRIPT ON APPEAL AND BILL RECEIVED ON THIS DATE.

05/24/2012 Claim Filed
CLAIM FILED FOR RT'S BY S MANNING FOR 012411 012511 012611 012711 013111

05/24/2012 Claim Filed
CLAIM FILED FOR RT'S BY S MANNING FOR 020111 020211 020311 042211

05/24/2012 Claim Filed
CLAIM FILED FOR RT'S BY M SWAL FOR 011911

05/24/2012 Claim Filed
CLAIM FILED FOR RT'S BY F MACIAS FOR 022412

05/25/2012 Record on Appeal Certified to Reviewing Parties & Court
RECORD ON APPEAL CERTIFIED TO REVIEWING COURT AND PARTIES.

05/25/2012 Note
REQUEST FOR SPECIAL ATTY FEES-NUNC PRO TUNC

06/01/2012 Attorney Fee Claim Received Verified And Forwarded To Depart
ATTORNEY FEE CLAIM RECEIVED VERIFIED AND FORWARDED TO DEPARTMENT 174
FOR SIGNATURE.

06/05/2012 Receipt for Record on Appeal Returned from Court of Appeal
RECEIPT FOR RECORD ON APPEAL RETURNED FROM THE COURT OF APPEAL.

06/12/2012 Received Appointment of Appellant's Counsel
RECEIVED APPOINTMENT OF RICHARD A LEVY AS APPELLANT'S COUNSEL.

06/15/2012 Received An Order From The Court Of Appeal On This Date

EVY

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

07/24/2012 Note
ORDER FROM APPEALS RE: AUGMENTATION RC'D 7/24/12

07/25/2012 District Attorney Notified
DISTRICT ATTORNEY NOTIFIED.

07/25/2012 Attorney Of Defendant Notified
ATTORNEY OF DEFENDANT NOTIFIED.

07/27/2012 Motion Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

07/27/2012 Case Reassigned to Another District
CASE REASSIGNED TO 1'S- VICTORVILLE DISTRICT.

07/27/2012 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO
CERTIFIED COURT REPORTER: NF-NUMIA FATA; CSR# NF-12678
DEPUTY DISTRICT ATTORNEY JOHN THOMAS PRESENT.
ATTORNEY BRANDON WOOD FOR CHARLES SMITH PRESENT.
DEPUTY PUBLIC DEFENDER RICHARD LA FIANZA FOR DAVE SANDERS PRESENT
DEFENDANT PRESENT IN CUSTODY.
(STATE PRISON NOT TRANSPORTED)

PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
(ORDER RE AUGMENTATION)

COURT REQUESTS DDA JOHN THOMAS AND DPD DAVE SANDERS PREPARE A DRAFT STATEMENT AS TO THEIR RECOLLECTION OF WHAT OCCURED AT THE 10/8/2010 HEARING.

COURT ORDERS COPIES OF THE COURT OF APPEAL ORDER FILED 7/20/2012 BE GIVEN TO DDA JOHN THOMAS/ATTORNEY CHARLES SMITH AND DPD DAVE SANDERS.

ATTORNEY BRANDON WOOD TO NOTIFY ATTORNEY SMITH.
DPD RICHARD LA FIANZA TO NOTIFY DPD DAVE SANDERS.

HEARINGS
HEARING RE: SETTLED STATMENT SET ON 08/10/2012 AT 8:30 IN DEPARTMENT V2.
NON APPEARANCE FOR DEFENDANT.

COPY OF THIS MINUTE ORDER ALONG WITH A COPY OF THE COURT OF APPEALS ORDER HAS BEEN MAILED TO ATTORNEY SMITH - ATTORNEY SMITH MAY APPEAR ON 8/10/2010 IF HE WOULD LIKE TO ADD HIS INPUT.

CUSTODY STATUS
CASE CUSTODY - STATE PRISON
===== MINUTE ORDER END ===== 0

08/03/2012 Ex Parte Hearing (8:43 AM) (Judicial Officer: Tomberlin, John M)
Continued Court's motion;

08/03/2012 Legacy Minutes
JMT, J-JUDGE
CLERK: VL-VICKIE LO VASCO

JUDGMENT
RECORDED

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING

COURT HAS READ AND CONSIDERED AN EMAIL RECEIVED
ON 8/3/2012 FROM DPD DAVE SANDERS REQUESTING
THAT THE HEARING SET FOR 8/10/2012 BE SET
FOR 8/14/2012 - REQUEST IS GRANTED.

HEARINGS
HEARING CONTINUED TO 08/14/2012 AT 8:30 IN DEPARTMENT V2.
DEFENDANT ORDERED TO APPEAR ON HEARING DATE.

MR GROVER MERRITT TO NOTIFY DDA JOHN THOMAS

CUSTODY STATUS
CASE CUSTODY - STATE PRISON
===== MINUTE ORDER END ===== 0

08/14/2012 Ex Parte Hearing (8:30 AM) (Judicial Officer: Tomberlin, John M)
Held;

08/14/2012 Legacy Minutes
JMT, J-JUDGE
CLERK: C5062-LISA GAETA
CERTIFIED COURT REPORTER: SM-SHAWNA MANNING; CSR# SM-12827
BAILIFF J PATRICK

DEPUTY DISTRICT ATTORNEY GROVER MERRITT PRESENT.
DEPUTY PUBLIC DEFENDER DAVE SANDERS PRESENT
DEFENDANT IN CUSTODY - NOT TRANSPORTED.

PROCEEDINGS
ACTION CAME ON FOR POST DISPO HEARING
STIPULATED MOTION FOR CHAMBERS CONFERENCE IS GRANTED.
OFF THE RECORD, COURT AND COUNSEL CONFER IN CHAMBERS.
DA IS TO SUBMIT A COMPOSED SETTLED STATEMENT
CASE CUSTODY - STATE PRISON
===== MINUTE ORDER END ===== 0

08/17/2012 Note
SETTLED STATEMENT ON APPEAL FILED

08/22/2012 Claim Filed
CLAIM FILED FOR RT'S BY S MANNING FOR 012411 012011

08/22/2012 Reporter's Transcript On Appeal And Bill Rcvd On This Date
REPORTER'S TRANSCRIPT ON APPEAL AND BILL RECEIVED ON THIS DATE.

08/22/2012 Claim Filed
CLAIM FILED FOR RT'S BY K MAGGS FOR 041511

08/22/2012 Claim Filed
CLAIM FILED FOR RT'S BY M SIVAL FOR 011911

09/05/2012 Note
RECEIVED VOLUME III

09/05/2012 Case Reassigned to Another District
CASE REASSIGNED TO VS- VICTORVILLE DISTRICT.

09/06/2012 Receipt for Record on Appeal Returned from Court of Appeal
RECEIPT FOR RECORD ON APPEAL RETURNED FROM THE COURT OF APPEAL.

VICTORVILLE
CASE SUMMARY
CASE NO. FVI900518

10/03/2012 Received An Order-From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

04/05/2013 Received An Order From The Court Of Appeal On This Date
RECEIVED AN ORDER FROM THE COURT OF APPEAL ON THIS DATE.

04/18/2013 Exhibits Transferred
EXHIBITS TRANSFERRED TO: APPEALS C SOLBERG #11 #36 #37 AND #49 ORIGINALS

04/23/2013 Records received
EXHIBITS:RECORDS RECEIVED 04/22/2013 FROM VICTORVILLE-ORIGINAL 11 36 37 & 49

04/23/2013 Exhibits Transferred
EXHIBITS TRANSFERRED TO: DCA FROM APPEALS-ORIGINAL 11 36 37 & 49

04/30/2013 Receipt of Records/Exhibits filed
RECEIPT OF RECORDS/EXHIBITS APPEALS FILED 04/30/2013.

12/04/2013 Opinion Filed
OPINION FILED


12/06/2013 Forwarded:
FORWARDED OPINION TO VICTORVILLE FOR JUDGE TOMBERLIN

01/03/2014 Forwarded:
FORWARDED OPINION TO JUDGE TOMBERLIN-V2

01/03/2014 Opinion Received And Sent To Department
OPINION RECEIVED AND SENT TO DEPARTMENT V2

01/15/2014 Note
(1/10/14)JUDGE TOMBERLIN-OPINION REVIEWED.

03/18/2014 Decision By Reviewing Court:
JUDGMENT IS AFFIRMED AS MODIFIED BY REVIEWING COURT

03/18/2014  Remittitur filed
REMITTITUR FILED.

03/18/2014 Forwarded:
FORWARDED ORIGINAL REMITTITUR TO VICTORVILLE

03/25/2014 Remittitur Received And Sent To Department
REMITTITUR RECEIVED AND SENT TO DEPARTMENT V2

04/16/2014 Amended Abstract Of Judgment Sent To Doc
AMENDED ABSTRACT OF JUDGMENT FILED AND SENT TO DOC

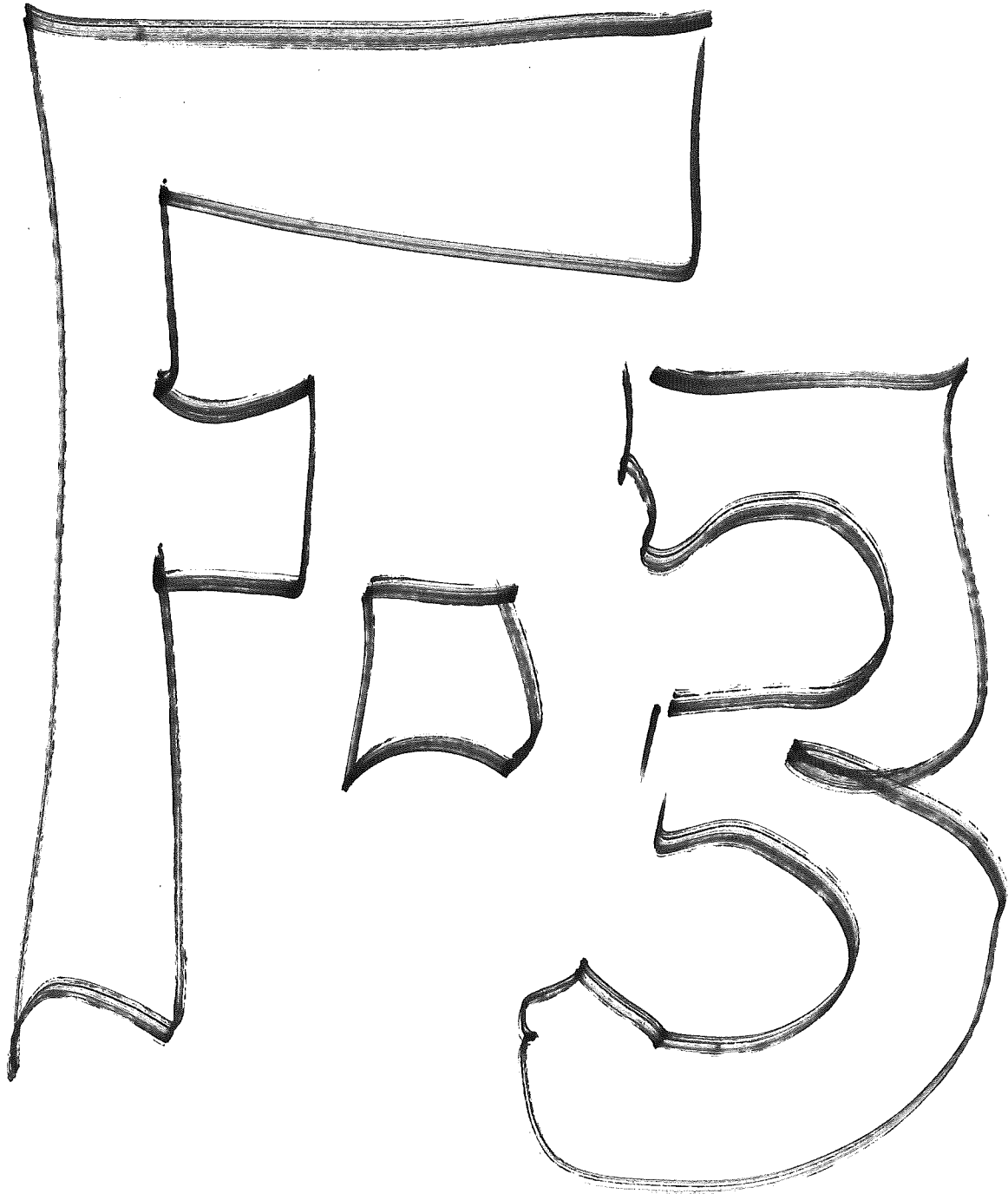
04/16/2014 Certified Copy Sent
CERTIFIED COPY OF AMENDED 02/24/12 MO SENT TO DOC-LPU.

04/16/2014 Note
VOL 3 PLACED BACK IN BOX

05/23/2014 Records received
EXHIBITS:RECORDS RECEIVED 05/21/2014 FROM DCA IN APPEALS-ORIG 11 36 37 & 49

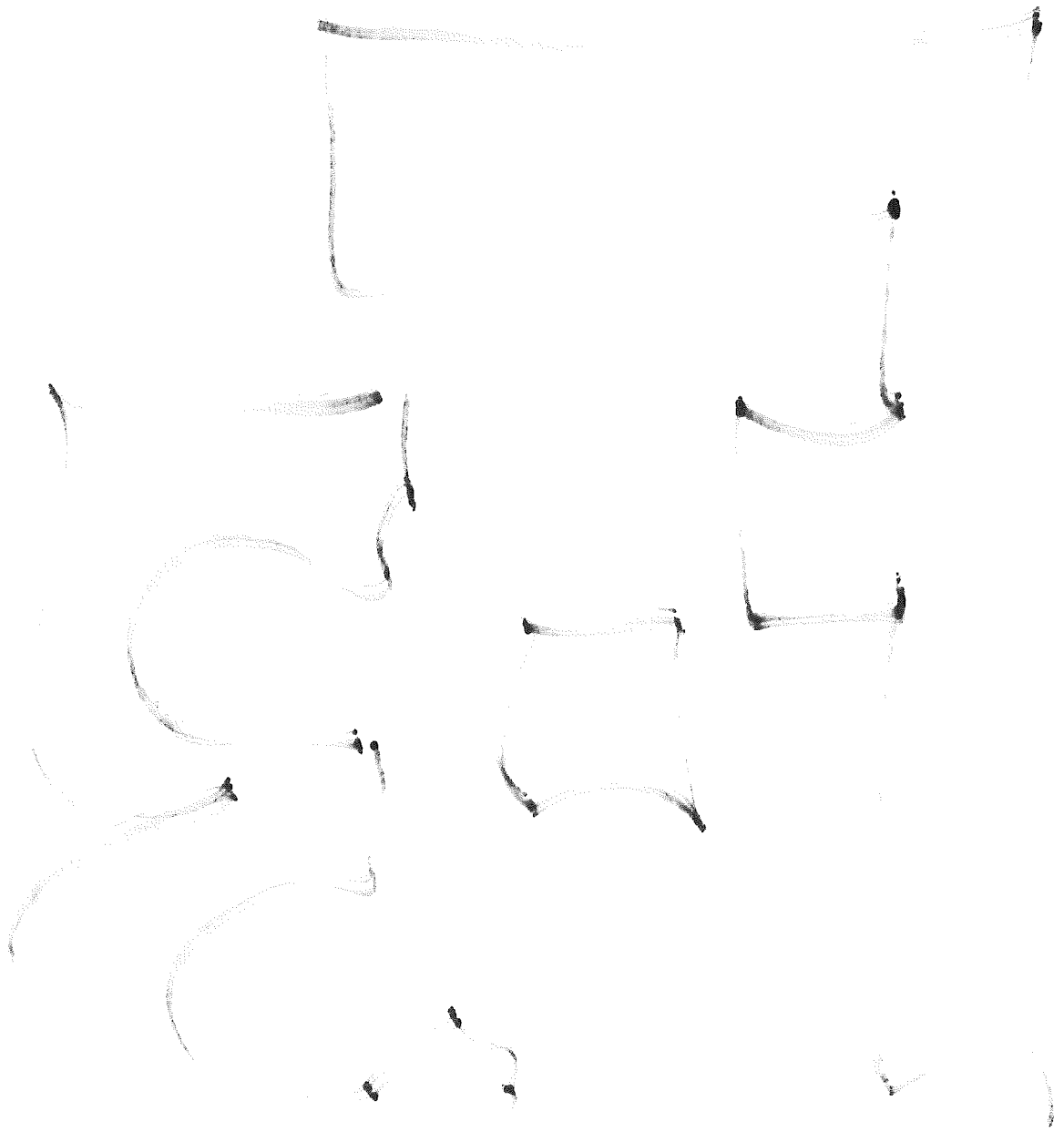
05/29/2014 Exhibits Transferred

*BEST
EDUCATION*



DOUBLE
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FEED



S256961

SUPREME COURT COPY

CONFORMED COPY

SUPREME COURT
LODGED EXHIBITS

JUL 18 2019

John Henry Yablonsky AL0373
18-147
480 Alta rd.
Sandiego,ca,92179

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FACTUAL INNOCENCE CLAIM
SECOND AND SUCCESSIVE ALL WRITS ACT Deputy

CLERK OF THE COURT
SUPREME COURT FOR THE STATE
OF CALIFORNIA

In Re John Henry Yablonsky;
On habeas corpus;

No.# _____
Trial Court #FVI900518
The honorable Judge J. Tomberlin
SanBernardino County
PURSUANT TO P.C. §§ 141, 1473
SENATE BILLS 261, 1134, 1909

HYBRID ALL WRITS ACT PETITION FOR ERROR CORAM NOBIS/HABEAS CORPUS

Book Four of four

John Henry Yablonsky
in propria persona

EXHIBIT COVER PAGE

63

EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

EXHIBIT

I

136 PAGES

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

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 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 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.

MIN. = MINUTES
SEC. = SECONDS

Drug use
I in
Germany
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P 120
we know
killed her
and by the
evid.
P 124
El Paso
126

Johns. O'ring
Comments

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Great, appreciate it.
2 JY: Yeah, he's a friendly dog he just
3 RA: Looks like an old neighborhood here but uh. . . . It's really well taken care of
4 (overlapping conversation)
5 JY: I just don't want him to uh climb up into your guy's laps or what have you.
6 GM: What kind of dog is he?—
7 JY: Golden Retriever.
8 GM: How old is he?
9 JY: About five years.
10 RA: Five years old? I used to have a Rottweiler and everybody thinks they're ferocious
11 dogs but, they're just huge babbies. . . .(overlapping conversation)
12 JY: I used to have a Rottweiler but he's obese, he's like, God he's like that big his
13 head is huge.
14 GM: Wow!
15 JY: He's a loving dog you know. I work over at his house one day and I had a little rip
16 in my pants and he just I mean he literally ripped the bottom portion of my pants
17 off, yeah.
18 GM: You guys remodel in here? It seems pretty nice for an older house.
19 JY: Yeah, we just kinda upgraded everything. What it is, is they had the drop ceiling.
20 RA: Right, uh-huh.
21 JY: I just pulled the drop ceiling out.
22 RA: Did you do all the work yourself?
23 JY: Yeah.
24 GM: It looks pretty clean.
25 RA: Well as long as you said I did.
26 JY: Hell yeah I did.
27 RA: It looks good though.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah.

2 RA: It looks good. At any rate we're following up on a, on a case where some uh
3 interviews we been working on a case for probably about two or three months.
4 We've talked about three people, um, they keep telling us that you lived in
5 Lucerne Valley back in 19, back, back in the mid 80's. So we're out talking to
6 everybody who lived in Lucerne Valley trying to get additional information um, the
7 case is, it's a homicide case.

8 JY: Really?

9 RA: And I'd like to show you a couple of photographs see if you recognize anybody,
10 see if you can help us out. Is that cool?

11 GM: How long you been living here?

12 JY: Um, about six or nine months, yeah about six months.

13 RA: Did you buy right at the peak or

14 JY: No, that's my father in-laws house.

15 RA: Oh, ok, lucky. (showing a photograph) Do you know him?

16 JY: No, I don't know him.

17 GM: That's Bruce Nash.

18 RA: Bruce Nash, yeah.

19 JY: Uh-huh.

20 GM: That's Angela?

21 RA: That's Angela Neete. Do you know?

22 JY: Um, yeah, yeah we um, used to rent from her, me and my wife and a, had a kid.

23 GM: Rita Cobb?

24 RA: Rita Cobb?

25 JY: Yeah.

26 RA: Out in Lucerne Valley?

27 JY: Uh-huh.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok, how long did you live out in Lucerne Valley?

2 JY: Um, I lived in there right after we got out of the military and uh, I guess about five
3 or six years.

4 RA: When was that? What time frame?

5 JY: It must have been maybe three, four, five, about 85, uh, 90 or 91.

6 RA: What did you do out there for - - some type of job I mean it's pretty (overlapping
7 conversation)

8 JY: Well I work in construction. My dad lives out there in uh Trade Post Road.

9 RA: Your dad lives in Lucerne Valley?

10 JY: Oh, yeah.

11 RA: In the same spot that he lived for the last twenty years?

12 JY: Yeah.

13 RA: Really? So you rented from Rita?

14 JY: Uh-hum.

15 RA: Tell me about Rita. Tell me about her.

16 JY: Um

17 RA: We are investigating her murder.

18 JY: Yeah, that's what I had heard that she had been murdered, um, I just rented a,
19 she had a front house and we rented the back house from her.

20 RA: How long did you guys rent?

21 JY I don't know probably eight months I mean we moved into the house right down
22 the street from her.

23 RA: ^{TELL ME} (Inaudible) who did she hang out with? Who were her friends, who were. . . .

24 JY: You know she uh, I never really man I just rented from her um, God I can't
25 remember the name of the this family out there that did a lot of uh, I don't even
26 remember their names. There was a, a family of brothers that a, they're
27

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 troublemakers. I can't remember the frigging last names of them, um, Valdez or I
2 don't remember.
3 RA: Uh-hum.
4 JY: But anyways uh, two of the guys you know they were about her age she would
5 date.
6 RA: Uh-hum.
7 JY: or they were at her house, uh...
8 RA: Two of the brothers, ~~are they~~ half brothers?
9 JY: I don't really, I don't think their last name was Valdez I'm thinking um, I don't
10 remember their last name though. I could talk to my dad and he'd come up with
11 their name. Yeah, well there was one of em that uh, kept coming around and uh,
12 she had asked me to ask them to leave one time but
13 RA: Uh-hum.
14 JY: other than that you know just
15 RA: Was he, was he bothering her or something?
16 JY: I guess he was like a nuisance to her you know.
17 RA: Did she live by herself? I mean who else lived with her?
18 JY: I was under the impression she had lived by herself. Oh, God damn it I can't
19 remember the name. Uh, one of the guys worked with us for a little while worked
20 with me and my dad.
21 RA: Uh-hum. How long did you rent you said that she had uh, a place behind her
22 house?
23 JY: Yeah, she had a
24 RA: Was that like a apartment, a duplex, or
25 JY: Yeah, uh, here let me. . . .
26 GM: Did the detectives, did the detectives talk to you back then cause we're missing a
27 lot of paperwork from the investigation. We're trying to put it together.

along words transcribed "ACTUALLY SAYS" "VALDEZ"

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Somebody had came and uh, uh, yeah they came to by dad's house and, and
2 talked to me and uh, I gave him some information based on uh, I remembered the
3 guys name then but it was - - (inaudible).

4 JY: But she had a, her house was set up like this and then she had like a little

5 GM: I got this.

6 RA: Video pack here.

7 GM: Maybe you can help us out here. We're not really familiar with Lucerne Valley but
8 here's, you got a pencil?

9 JY: Her road came down like this. This is 18 and. . . .

10 RA: Highway 18, right?

11 JY: Yeah, and her place is set up like this right here. This is what we rented and this is
12 where her house was.

13 RA: So Rita, could you write Rita there so I don't forget cause I might, I might forget.

14 Ok, and then you and your wife, what's your wife's name?

15 JY: Uh, Holly.

16 RA: Holly, you guys still together?

17 JY: No, no we split up for fifteen years.

18 RA: Oh wow (inaudible). It's been quite a long time huh?

19 JY: You know and then while we were there you know I just uh, I'd do little
20 maintenance things up inside there for her and. . . .

21 RA: To help her out?

22 JY: Yeah.

23 RA: Cause you kind of a handy guy you do construction stuff.

24 JY: Yeah.

25 RA: Right. Now, was she killed while you were living in that apartment back there?

26 JY: Not that I know of, no.

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok, maybe that's like Greg said there's a couple of reports that are missing from
2 the original investigation um, obviously we don't we didn't know that you had been
3 talked to before.

4 JY: Yeah.

5 GM: We're actually missing a lot. (overlapping conversation)

6 JY: There was a detective uh, a private investigator or something like that. My dad is,
7 said that he took on the case and

8 GM: We don't have any of that.

9 JY: a penny was gonna solve the crime or something.

10 GM: Who?

11 JY: That he was gonna do uh, solve the crime for a penny or some shit like that I don't
12 know.

13 RA: Wow, really? How long did you, Holly, Holly, um how long did you guys live in that
14 apartment?

15 JY: I'd say about six or eight months or something like that. It wasn't very long.

16 RA: It was just something to tide you over until you got another place?

17 JY: Yeah, cause like right up the street down over here uh, there was a dirt road and
18 there was a house down over here we were renting.

19 RA: You mean from someone else?

20 JY: Yeah, another house.

21 RA: A bigger place?

22 JY: Yeah, yeah absolutely cause this one was, was just like a big studio. It was just a
23 big room with a, a bedroom, uh I mean a kitchen and the bathroom.

24 RA: It was reasonable?

25 JY: Pardon?

26 RA: It was reasonable rent?

27 JY: Um, it, I don't remember, I was making like eight dollars and hour you know so . . .

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: What kind of work were you doing?

2 JY: Hanging doors.

3 RA: For your dad?

4 JY: Yeah.

5 RA: You're dad has a pretty good business out there?

6 JY: Well it was I mean it was just you know something to do at the time when uh, we
7 became business partners and then it changed from there.

8 RA: Tell me about, more about Rita I mean who was, who were her friends, who did
9 she hang out with I mean you guys lived . . .

10 JY: We lived right there I mean dude I, I worked from sunup to sundown and uh, I
11 seen her periodically on the weekends just to pay her rent but she was like in a,
12 like a Moose Club or Lion's Club or some shit like that and I just never really saw
13 her very often.

14 RA: Was that a pretty good likeness of her with that photograph?

15 JY: Uh. . . .

16 RA: Did she have a, a boyfriend?

17 JY: That's what I was trying uh, say earlier these two guys God I can't remember their
18 names um, I mean if you don't mind I'll call my dad right now we can get the last
19 names. There was a two guys and two brothers that uh, I guess that she was, you
20 know going to be with and then the one I, he was drunk you know and uh, I was
21 pulling out of the driveway one day and he was out in the front you could see him
22 and she'd wave me in and asked me could I, could I ask this dude to leave.

23 RA: Uh-huh.

24 JY: and that's what I did.

25 RA: What, what happened?

26 JY: Nothing, I just told him say hey dude you need to be that you know, get out of
27 here, kick rocks and he goes I wanted to talk to her or something I don't even

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 remember all he was just you know she doesn't want you here. I live here and he
2 split.

3 RA: And he left?

4 JY: Yeah.

5 RA: Was there any other problems?

6 JY: (Inaudible).

7 RA: After you guys moved did you, did you have anymore contact with Rita? Did you
8 go over for barbecue's or hang out with her or stuff like that?

9 JY: No, I just seen her occasionally once in awhile you know like we'd see her at the
10 gas, uh, the, the market in town. She'd ask me to come over and do some repairs.
11 You know her door's sticking or, or her uh, uh, bathroom faucet was dripping,
12 they're just little things. It wasn't very much. It wasn't very often. It wasn't all the
13 time. mostly...

14 RA: How about her friends? What, what can you tell me about her friends?

15 JY: Dude really I wasn't, wasn't into her you know what her relations were or anything
16 like that I'd only known that one incident and I told that uh, the detective or some
17 the same thing when he had asked me. I gave him the name God I can't
18 remember Dalperding (sp?), Dalperding (sp?) um. . . .

19 RA: That's the name of the detective, Dalperding (sp?)

20 JY: No, the family out there. I went to school with one of the kids. That's the only thing
21 I can think of is uh, that one incident where this guy was like trying to get it, get to
22 her or get in her house you know and uh, what I was leaving that one day. I was
23 going to town get something and uh I noticed her in the door, her window I forget
24 what it was, waiving at me and asked me if I could uh, I got out and went in and
25 asked her what was going on and then she goes can you have him leave, that
26 was it.

27 RA: Did he ever comeback again or

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: I didn't, no cause we moved after that shortly after and then uh, I'd see her in town
2 couple of times at the, at the little Lucerne Market and uh, she had asked me if I
3 could uh, you know come by and do some, some things. I don't even think she
4 even rented that back out anymore. I think she turned it back into a storage or her
5 son was gonna move in or

6 RA: Uh-hmm.

7 JY: I don't even remember the name

8 RA: Did you grow up out in Lucerne Valley or

9 JY: I went to school out there for a little while.

10 RA: What kind of school, like high school, trade school?

11 JY: Yeah, it was high school. Yeah, for a couple of years I went to Apple Valley.

12 RA: And so they bused you from Lucerne Valley to Apple Valley High School?

13 JY: Yeah.

14 RA: Wow, that must have sucked.

15 GM: Oh wow.

16 RA: What did you guys do out there for, for entertainment, for fun?

17 JY: Um, ride dirt bikes and they had a little uh, arcade or a uh, uh, yeah it was like a
18 little arcade and uh we'd go down there and uh,

19 RA: Cause we'd been out there and we told you we talked to about. . . .

20 JY: There ain't nothing out there.

21 RA: We talked to about thirty people out there and um. . . .

22 GM: There's nothing. . . .

23 RA: I don't know what you would do out there myself, um, unless you had a pool in the
24 back yard or something in the summer time.

25 JY: My dad had had horses you know. He'd get into the Gymkhana but I didn't do any
26 4-H or anything like that though you know. Playing around with the horses and I

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 worked out at the little chicken ranch right out, Rabbit Springs Road I think that
2 what it is.

3 GM: I think we're on that road all the time.

4 JY: Rabbit Springs Road and it had a . . .

5 RA: Is it kind of a long road?

6 JY: Yeah, every road there is long.

7 RA: It's like...

8 JY: My dad was very short you know as far uh, my behavior was out of line, uh, me
9 and the kids would party after school and sometimes he was like you need to get
10 out I've had enough of you. Pack your stuff up and go back to your mom's. I, I
11 didn't even finish high school I think I was out there for about a year and a half in
12 high school.

13 RA: Uh-hum. Where did your mom live?

14 JY: Um, Hawaiian Gardens in Long Beach or something like that.

15 RA: Oh, so from this area.

16 JY: Yeah.

17 RA: It's a little bit nicer here than. . .

18 JY: Yeah.

19 RA: I mean I guess it all depends on what you want to do right? If you want a quiet
20 desolate, no neighbors, Lucerne Valley's probably perfect.

21 JY: Yeah.

22 RA: Everybody knows everybody's business out there.

23 JY: Yeah. That's um, that's crazy that uh, she had gotten killed but there was the thing
24 I was I had moved away or something like that uh, or we were in the process of
25 moving away or something I forget but anyway cause I remember uh, uh, my dad
26 had mentioned something to me he was, we were in the process of moving down
27 here to uh, we moved to Lynwood to uh, my mother-in-law's (inaudible) house.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: When you were living there?

2 JY: Um, yeah we were, we had all ready moved out and we were in the process of
3 moving down here. God that was such a long time ago, I can' recall back quite
4 that far but um, yeah, we were in the process of moving down here and uh, I'd
5 come back up and my dad said, "hey something happened Rita had gotten killed
6 or something I just, wow what a trip.

7 RA: Kind of a shocker especially since you used to rent to her or you used to rent from
8 her.

9 JY: Yeah.

10 RA: Now was she, was she descent lady or . . .

11 JY: Yeah, she was very polite, very proper you know she wasn't, she was polite she
12 was very proper.

13 RA: So you left Lucerne Valley to go you said in the military? Is that what you said?

14 JY: No, I left the military to come and uh move up to Lucerne Valley. I left the military
15 in um, first I moved down here into uh, thought it was South Gate or Lynwood or
16 something like that. I was supposed to go and work for my dad and then uh, he
17 said there was nothing and it had just gotten really bad where I had nothing as far
18 as employment you know I had a wife and a kid and he gave me a shot and I went
19 up there and worked for a about eight dollars an hour.

20 RA: Uh-hum, tight to make it on eight bucks an hour huh?

21 JY: Yeah.

22 RA: You gotta run a tight budget or else your wife has to work, one of the two even
23 back then.

24 JY: Yeah.

25 RA: So living in the, the rental here it was you your wife and you said you have a child?
26 (overlapping conversation)

27 JY: My son.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Your son, what's his name?

2 JY: John.

3 RA: John, how many kids do you have?

4 JY: I got six now. I have with my first wife I had two kids John and Jasmine and then
5 uh, my second wife I had three kids, Joseph, Kenneth and Breanna.

6 RA: What was her name?

7 JY: Alicia.

8 RA: So your, with Alicia you had Joe. . . .

9 JY: Kenneth and Breanna.

10 RA: Kenneth and Breanna.

11 JY: Yeah.

12 RA: That makes five kids.

13 JY And I married this wife here and she had one so that makes six.

14 RA: And this is your current wife right now?

15 JY: Yeah.

16 RA: What's her name?

17 JY: Melody.

18 RA: Melody and that's what's that child's name?

19 JY: Sarah.

20 RA: Is that a, an adopted child or stepchild?

21 JY: No, that's hers.

22 GM: You've been staying busy, wow, a lot of kids.

23 RA: Is she a good kid?

24 JY: Uh-hum.

25 RA: Good girl?

26 JY: Yes. I can't remember the, it's like right there. You know how you got the names
27 right there and just

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Uh-hum, it's right on the tip of your tongue but just can't quite get it out.
- 2 GM: I'm sorry I, I was looking down John Jr. lived here with you and Holly?
- 3 JY: Yeah, yeah.
- 4 GM: Ok, how old was he?
- 5 JY: Uh, a year and a half, two years?
- 6 RA: You had him, before you moved back from the military?
- 7 JY: Oh yeah.
- 8 RA: Right?
- 9 JY: Yeah.
- 10 RA: So you are in the military and have a child and is that where you met Holly from?
- 11 JY: No, I met Holly from uh, school.
- 12 RA: You went to high school together?
- 13 JY: Yeah.
- 14 RA: Like high school sweethearts?
- 15 JY: Kinda, it's a long drawn out story.
- 16 RA: It doesn't sound like your split was a, a pleasant split I guess that's the best way to
17 put it.
- 18 JY: Uh-uh.
- 19 RA: What's she doing now?
- 20 JY: Nothing, living in Canada I guess I don't know. (inaudible)
- 21 RA: So, you don't keep in contact even through the kids?
- 22 JY: Uh-uh, the kids don't even keep in contact with her.
- 23 RA: How come? Does she have her own problems?
- 24 JY: Yeah, well we both split up uh, I got into drugs she got into drugs and uh, I got
25 cleaned up she stayed in the, it's a bad story.
- 26 GM: Sounds like it.
- 27 RA: Sounds like it probably pretty tough on the kids too.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, it was pretty tough on them. I had to uh, me and my son got a good
2 relationship and then uh, me and my daughter we got a good relationship from my
3 first wife.

4 RA: Jasmine?

5 JY: Yeah.

6 RA: Ok, I'm trying, trying to get the list going down of all the kids.

7 JY: Yeah.

8 RA: So what else can you tell us about uh, about Rita?

9 JY: Uh, she was a nice lady, man ya know, she was a nice lady. I heard so many
10 things about how she had gotten killed. I was like. . . .

11 RA: What kind of things did you hear?

12 JY: Um, my dad said something about a, a

13 RA: What's your father's name?

14 JY: George.

15 RA: George.

16 JY: Um. . . .

17 RA: Same last name?

18 JY: Yeah.

19 RA: Ok, I know it seems like a funny question but nowadays uh, I have to ask the
20 question. (overlapping conversation)

21 JY: Nylon or something she was killed with a nylon or something I don't even

22 RA: Killed with a nylon?

23 JY: Yeah, pantyhose, nylons.

24 RA: Is that, how did your dad know about that?

25 JY: That's what he said he had heard somebody had killed her a nylon or some shit.

26 RA: When did he tell you that?

27 JY: (Inaudible) (overlapping conversation)

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

NOT
IN
TRIM

1 GM: Hi, how are you?
2 RA: Melody? Melody? Nice to meet you. This is, I am Rob. This is Greg. Yes. . . .
3 JY: Yeah, they're investigating something I guess uh, uh the lady that I had rented
4 from had been killed and it had never gotten solved and I guess they're working
5 on the case and they're trying to find paperwork and some of it's missing and
6 RA: There is a lot of people that um, that lived out in that area that were never talked
7 to or if they talked to them we don't have the paperwork saying that they were
8 talked to so that's why we're here talking uh, with John right now see if he can
9 help us out.
10 UN: Ok.
11 GM: Nice meeting you.
12 RA: It was nice meeting you.
13 JY: I'm trying to remember the name that's the only altercation that I had ever seen
14 her have you know I mean. . . .
15 RA: Did she date guys her own age or younger, older I mean I know a lot of people
16 have uh, preferences and stuff like that like your wife I would say that there can't
17 be too much of a difference in your age maybe five years at the most.
18 (overlapping conversation)
19 JY: No, that's um. . . .
20 RA: But some people date guys that are young.
21 JY: The dude, the dude was about her age. You know he was older than me. I'm
22 trying to remember his name. It's just a family name, uh, I swear (inaudible).
23 GM: I think we have that name so I think we know who you're talking about.
24 JY: Cause uh, four or five or six uh everybody in town was just scared to death of em.
25 RA: Why is that? Just bad characters or
26 JY: Uh, yeah violent. Um, leave your card I'll tell my dad uh, uh, what's going on and
27 see if he can come up with a last name.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

*I never
GAVE NAME
ACCORDING TO
TRANSCRIPTS*

*ALTERED? John's
comment*

1 GM: I think we have it.
2 JY: He lived out in um. . . .
3 GM: Cause, we have actually been told about this person by some other people so
4 yeah, we're talking about the same person.
5 JY: The (Inaudible) Barstow Road.
6 RA: That's the back road from Barstow into Lucerne, correct?
7 JY: Yeah.
8 RA: Ok.
9 JY: Eighteen comes through Barstow but it runs out this way. Somewhere right out in
10 here in the valley.
11 RA: Uh-hum. That's where these guys live.
12 JY: Yeah, they lived out in uh, I forget what it's called and that's all I hear some shit
13 like that. It's off of Barstow Road.
14 RA: Uh-hum.
15 JY: And it's a (inaudible) one of the brothers and then uh, he worked with me and my
16 dad for a little while.
17 RA: What other kind of things did your dad tell you happened he said he told you
18 some various rumors?
19 JY: Um, just that somebody had killed her with a nylon or some shit I couldn't
20 remember for sure.
21 RA: Did they say how they did it with a nylon and what, what was actually done or. .
22 They had to have been a lot of a lot of talk back then. It's a small community.
23 Things like that don't happen that often.
24 JY: I didn't hang a round anybody you know I you know I was pretty much to myself
25 with my uh, my wife and my kids and then uh, I had a couple of other friends that
26 uh, I hung out with (inaudible). I didn't, I didn't go to the Moose Lodge's or you
27 know Lion's Club.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: And what are those? The Moose Lodge and Lion Club. I mean is that like the big
2 activity out there to go to those?

3 JY: Yeah, just some of the people there is stuff that uh, people get involved with?
4 (Phone ringing)

5 RA: But you weren't a member of it?

6 JY: Uh-uh.

7 RA: Was your dad a member of the Moose Club and Lion's Lodge and . . .

8 JY: Yeah, he is he's a member of the Moose Club. (overlapping conversation)

9 UN: Hello? Good morning. *NOT IN TRIAL*

10 GM: Moose Club, you said the Moose Club what's the other ones?

11 JY: The Lions and then the uh, the VFW. I think this, she hung out with the VFW.

12 RA: What kind of places are those? I mean what, what do you do there? What . . .

13 JY: Did uh, . . .

14 RA: I've never. . . .

15 JY: They, they have banquets and just basically bar.

16 RA: So it's a local social scene.

17 JY: Yeah.

18 RA: Where people get together and socialize there, um, did Rita go to those places?

19 JY: Now that I mention it I, I think that she did go to the VFW but again I didn't keep
20 tabs on her.

21 RA: Right, how about your dad? Did you dad go there?

22 JY: Yeah.

23 RA: He was. . . .

24 JY: Yeah, I remember uh, that he had gone to what the VFW and then uh, the Lions
25 Club. Right now he's uh, I think it's the Lions Club that's in charge of the range,
26 the firing range down there.

27

28

*NOT
IN
TRIAL
VERSION*

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok, like it had skeet shoots or turkey shoots ~~stuff~~ like that. (overlapping
2 conversation)
3 JY: Yeah, yeah. It's pretty sad (inaudible) it's, there was never really anything to do,
4 you know?
5 GM: Out there?
6 JY: Yeah.
7 RA: Did you grow up around guns when you were younger?
8 JY: Uh-uh.
9 RA: No.
10 JY: I mean there was guns.
11 RA: Your dad, so your dad was involved with that stuff but he never took you shooting
12 or anything or
13 JY: Yeah, I even went shooting I just you know
14 RA: It just wasn't your thing.
15 JY: No, I had, I was only but it was just you know we'd go out and go quail hunting
16 some other bullshit.
17 RA: So you had like a little twenty-two or a pellet or something like that growing up?
18 Well, back then it wasn't a big deal I guess to give your son a gun and let him
19 cruise around the desert and do his thing.
20 JY: Uh-uh.
21 RA: What, what kind of things did you do in the military? What was your job?
22 JY: Uh, Nike Hercules Missile Crewman.
23 RA: A what?
24 JY: I worked on a nuclear missile.
25 GM: Wow!
26 RA: Wow!
27 GM: Sounds interesting.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: How did you get that job? Just, cause it sounded interesting or they just stuck you
2 there?

3 JY: Well it was something that my brother had done and I started off in it and then I
4 had traded of into air defense.

5 RA: You didn't like the Hercules Missile?

6 JY: No, it wasn't that. What they did was they phased it out. They phased out the
7 Hercules Missile and the Persian.

8 RA: Oh, ok so you had to be retrained to work on the new . . .

9 JY: Yeah.

10 RA: Missile.

11 JY: Yeah, correct.

12 RA: The new thing.

13 JY: No, I, I trained into a different job. The thing with the military they only guarantee
14 to train nothing specific. It's not that you're gonna work in that job.

15 RA: Right, cause I was in the military^{too} uh, back in the early 80's and I was in the Navy
16 though, uh, but I worked on electronics, I worked on radios and transmitters and
17 receivers and radar systems and crypto systems so I know um, that when they
18 generally send you for training it, for me it was a long time. How long was your
19 training?

20 JY: Um, thirty-two weeks for basic and then my AI key and then uh, I did an additional
21 sixteen weeks for a Chaparral Crewman.

22 RA: Hmm, I imagine it's probably pretty much the same way that we did it where it's
23 you go to class eight hours a day and uh, you do all your training there.

24 JY: Correct.

25 RA: Where did, where was that training at?

26 JY: Ft. Bliss, Texas.

27 RA: Good place?

28

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DOES NOT SAY
UH, SAYS "TOO"

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rifa Cobb

1 GM: Humid huh?

2 JY: Yeah, some days it was fucking hot.

3 RA: I was up in Illinois, freezing cold. I had never been so cold in my life.

4 GM: How long were you in the military?

5 JY: Uh, about five years, six years.

6 RA: That's a long time.

7 JY: Eighty-two to eighty-six, yeah, some like that.

8 RA: So you did like a full tour? I think back then in the contracts . . .(overlapping
9 conversation)

10 JY: What I did was I enlisted for three years and then I reenlisted for more so I can go
11 to a Europe Command Sponsor.

12 RA: Uh-huh.

13 JY: And then my wife didn't show up and I ended up getting out of the military before
14 the, my extension date?

15 RA: So what, where in Europe did you go?

16 JY: Um, Frankfurt, Downhausen (sp?), (inaudible).

17 RA: That's in Germany, right.

18 JY: Yeah.

19 GM: Wow!

20 JY: (Inaudible). *greece tour*

21 GM: Sounds interesting.

22 JY: Yeah, it was pretty cool.

23 RA: A lot of good memories.

24 JY: Wish I'd a stayed in.

25 RA: Why is that?

26 JY: Life was easier you know but you don't know what you have until it's not there.

27 RA: Until it's gone?

28

SAYS (NOT INAUDIBLE) GREECE TOUR

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah.
2 RA: Cause there you just gotta show up to work and do your job and they're happy
3 with you right?
4 JY: Yeah.
5 GM: Is Holly the one you were married to in the military?
6 JY: Uh-hum.
7 GM: Ok, she's the one that didn't show up.
8 JY: Yeah.
9 GM: When you went overseas.
10 JY: Yeah, was back here uh, with her high school sweetheart.
11 RA: She had a boyfriend on the side then?
12 JY: Yeah.
13 RA: That must have been pretty stressful?
14 JY: Yeah, it was fucked up.
15 RA: How did you handle something like that cause I don't know what I would do?
16 JY: Uh, I got out dude and uh, just worked right through it you know, uh, what ended
17 our uh, marriage was uh, drug addiction.
18 RA: Her drug addiction or you said you had problems so.
19 JY: Yeah, both of ours.
20 RA: What kind of drugs are we talking about?
21 JY: Meth.
22 RA: Meth? Was that pretty prevalent in the military back then?
23 JY: Uh, everything is. You ever go to Europe?
24 RA: No, when I was in the military they took us to the shittiest places in the world. I
25 went to Bangladesh. I went to uh, anyplace that you could think of that was a third
26 world country that's where I went. So, I was in there for six-years like you were.
27
28

MISSING
FROM
TRIAL
PERS

MISSING - Johns
comments

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, but I was on a ship so I, they took us all over the place and we'd stay a
2 week here and a week there and you know two weeks was the longest place we'd
3 ever go. For me it wasn't uh, it was interesting but uh, as far as going to cool
4 places where I could you know get immersed in the culture or check it out or, or it
5 wasn't like being on vacation, not at all. So we didn't live off the economy. We
6 didn't you know it wasn't like that.

7 JY: Huh.

8 RA: We just kind of bounced around like nomads.

9 JY: Yeah.

10 RA: Whereas, what branch were you in?

11 JY: Army.

12 RA: In the Army? In the Army you actually get to go to a base and you stay at the base
13 for a little while.

14 JY: Yeah.

15 RA: Couple of years right?

16 JY: Yeah.

17 RA: And we had to do what's called seashore rotation where we go out to sea and at
18 the time my job was five years at sea, two years on shore. Good rotation, huh? If
19 you were a woman it was exact opposite. (overlapping conversation)

20 GM: That, that will cause a divorce.

21 RA: Yeah, we were gone all the time so for me it wasn't, it wasn't, it was interesting
22 and I got some good training out of it but uh, it wasn't something I wanted to do for
23 the rest of my life.

24 JY: Yeah.

25 GM: So, you guys got divorced but she's the one that lived with you in Rita's back
26 house, Holly?

27 JY: Yeah.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: And both your kids too?

2 JY: Just one.

3 RA: Just one kid, John?

4 GM: John Junior.

5 JY: Yeah, John Junior. Jasmine hadn't been born yet.

6 RA: When, when was she born?

7 JY: Uh, she was born after we moved over to here and I was in that house for a
8 couple of years.

9 RA: Really? And then from here from this house over here you moved down to
10 Lynwood at your in-law's place?

11 JY: Yeah.

12 GM: Well did they have hospitals back then out there or? _____

13 JY: No, uh the baby was born in uh, Apple Valley.

14 RA: Did you have to go by ambulance or I mean. . . .

15 JY: No, I mean we just took her and drove her in.

16 RA: So you already knew that she was in labor and it was time and you had to do your
17 thing.

18 JY: Uh-huh.

19 RA: Any other kids born in that house?

20 JY: Uh-uh.

21 RA: No?

22 GM: How long had you guys been living there when Jasmine was born?

23 JY: Um, I don't know probably about nine months or so.

24 GM: Ok.

25 JY: She was about two when we moved down here to the city and then we battled
26 trying to make the relationship work down here. It was about three when it
27 probably ended.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: So how long were you and Holly together?

2 JY: About eight years.

3 RA: That's kind of a long time actually you know, eight years. Some, some marriages
4 don't even last that long nowadays or relationships don't.

5 GM: What street is that?

6 JY: I really remember I don't

7 RA: Is it a named road or just a dirt road?

8 JY: It was a dirt road. It's a named dirt road.

9 RA: Cause I know sometimes out in the outlying areas like that like Lucerne or uh,
10 Newberry Springs or Adelanto or some of those out, you know smaller rural areas
11 like that there's a lot of roads but there is no signs on the road.

12 GM: We drove a lot down dirt roads the last couple of months.

13 RA: We're way up in the hills in Lucerne driving around in circles he couldn't believe
14 me he kept telling me that's a road and I said, "no that's a wash we better not go
15 back in there.

16 GM: But there are houses back on some of these roads like 4 by's could only get to.
17 It's, it (overlapping conversation)

18 JY: It is a dirt road right here. (overlapping conversation)

19 GM: I'm a city guy I'm not, I'm not used to that.

20 RA: There is what now?

21 JY: Uh, there used to be a dirt road that I'd come right down along this right here to
22 get to my house.

23 RA: Oh, really why is that?

24 JY: It was just easier. Pretend this was a wash.

25 GM: What's north, south, east and west? I know there's all I knew is 18 and 247.

26 JY: Over here is Big Bear and over here is Barstow and I'm not sure about that.

27 RA: So that would be north and south then, right?

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, I'm lost Barstow is further, I know Barstow is further north and Big Bear is
2 gotta be further south.

3 RA: You wrote, you just drove a road this way. . . .

4 JY: Uh-huh.

5 RA: Was that a marked road or was it like . . .

6 JY: Just a dirt road.

7 RA: Just a dirt road. Probably pretty crappy road too. They have roads on this side of
8 the freeway too?

9 JY: Yeah, they got dirt roads everywhere.

10 RA: You used to ride dirt bikes out there so you probably know all the little, all the little
11 dirt roads out there, right? Growing up as a kid, probably just tooted it all over the
12 place.

13 JY: Yeah.

14 GM: When you lived with Rita what was her like schedule everyday where, what, what
15 this lady do?

16 JY: She always had some community thing when she was doing I again I don't know
17 what it was.

18 RA: Did she work? Did she have a job? Or was she retired or what, what was her
19 deal?

20 JY: Gee I don't remember.

21 RA: Cause I know sometimes when people get I mean she looks like she's a little bit
22 older there but when people get older they'll have a rental and they're on social
23 security or they're just or they're a, they're pension or whatever it is and then
24 they'll rent a place out like this for a little bit of extra money and they just kind of
25 cruise and do whatever they want to do. (overlapping conversation)

26 JY: I thought she was retired from someplace but I'm not really sure.

27 RA: Uh-hum. Did she, did she work?

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: I don't think so.

2 RA: So you never saw here get up every morning and go to a job. (overlapping
3 conversation)

4 JY: No, I, from sunup to sun sundown you know I just I work all the time you know
5 cause our jobs would be in Barstow or Victorville or Apple Valley, Adelanto,
6 Needles, we went fucking everywhere, San Bernardino on the other side of the
7 mountain.

8 GM: Oh wow!

9 RA: So you would drive from place to place basically with your dad? So he doesn't
10 strictly work in Lucerne he goes wherever the job takes him? (overlapping
11 conversation)

12 JY: (Inaudible)

13 RA: Who did she hang out with I mean what social events was she involved in?
14 (overlapping conversation)

15 JY: I don't really (inaudible).

16 RA: Who would she have. . . .

17 GM: You didn't party with her or anything like that?

18 JY: Nah, none of that.

19 RA: So, the way you're making it sound, it sounds like it was almost strictly a renter uh,
20 rentee relationship like she owned the place you rented it. You and your wife and
21 your son lived there and other than that there was no other interaction between
22 you and Rita or Holly and Rita or Rita and your, your grand or your, your son or
23 anything.

24 JY: No, she didn't watch my kid and her and my wife that I know of never hung out or I
25 dude don't know I was gone all the time.

26 RA: But she didn't come over just to you know how some ladies are real into kids and
27 they'll make a big fuss over any kid likes it's their grand kid and they'll try to spend
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 time and volunteer to watch the baby that you and your wife could go out and
2 have a dinner or catch a movie or something like that.

3 JY: Not really it wasn't like that, no.

4 GM: She never watched the kid.

5 JY: Not that I would remember dad was always in town or something like that.

6 GM: That's true.

7 RA: What's that?

8 JY: My dad was always in town for something like that.

9 RA: Well I could see why you'd use your dad. Would your dad watch the kids for you if
10 you needed it?

11 GM: What about troublemakers back then anybody I mean we've spoke to a lot of
12 deputies who worked back there in the 80's and they've identified a lot of people
13 who were troublemakers who maybe responsible for something like this. We've
14 talked to people in the older crowd we're trying to talk to people in the younger
15 crowds like you. Anyone you can

16 RA: Any direction you can point us in?

17 JY: Just that one guy's name you know but I can't, I can't remember.

18 RA: You can't remember?

19 GM: Well what kind of car did Rita drive? Cause we're missing some of that stuff.

20 JY: a larger car.

21 RA: A large car?

22 JY: (Inaudible)

23 RA: Like a Buick or a

24 JY: A Cadillac or a

25 RA: Do you know what color, what color it was?

26 JY: Gray maybe? I don't know.

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Where did she normally park it? Some people have garages some people park
2 them in the front yard.

3 JY: I think she had a garage?

4 RA: Some people have driveways but they still park the car on the grass.

5 JY: (Inaudible) ~~she had a garage~~ ← SHE HAD A GARAGE
(NOT INAUDIBLE)

6 RA: In the garage? What kind of car did you drive back then?

7 JY: What kind of car?

8 RA: What kind of car did you have back then?

9 JY: Um, a Toyota pick up. Something that could carry tools and get my family around.

10 RA: Got descent gas on it too you weren't spending all your money on gas even
11 though it was a \$1.25 back then or maybe even less that that. (overlapping
12 conversation)

13 JY: Yeah, it was much cheaper.

14 RA: Who, who else could we go talk to in Lucerne who is in the know who knows
15 everybody out there?

16 JY: Uhhhhhhh....

17 RA: If you were us who, who should we go talk to?

18 JY: See I wouldn't even know, uh, I wouldn't even know. I don't even remember half
19 the names of people out there.

20 GM: Does your dad know some of the people we've already been talking too
21 (inaudible).

22 RA: Yeah, would your dad know or. . . .

23 JY: Yeah, my dad would probably have a clue. He's more in her age group.

24 GM: Any, beside, or what color was your Toyota pick up truck?

25 JY: Um, thought it was cream.

26 GM: What other cars did you have?

27 JY: I don't know, I had an old Toyota well it's, it's a cream color Toyota (inaudible)

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: Cause I think there is something in there about a Pinto?
2 JY: Yeah, I did as a matter of fact I had bought a Pinto from (inaudible).
3 GM: What kinda, what year, what color. . . .
4 JY: It was a blue Pinto. Yeah, it was a so she could a have transportation.
5 RA: Light blue? Dark blue?
6 JY: Blue, dark blue.
7 RA: Dark blue? Good car? Bad car?
8 JY: Well she kept the car you know but she didn't have a license she didn't know how
9 to drive you know it was. . . .
10 RA: I don't think I've seen a Pinto in years.
11 JY: Me neither you know it's been a long time.
12 RA: Their not around anymore.
13 JY: I don't know we split up and I sold it.
14 RA: She didn't take it with her.
15 JY: No she still didn't have a license.
16 RA: So you get, you still have that vehicle when you guys split up?
17 JY: Uh-huh.
18 RA: Wow, that's a long time. So are you, are you a mechanic you
19 JY: Yeah.
20 RA: work on cars top? (overlapping conversation) Let me throw a couple of names uh,
21 do you know Terry Radar (sp?)? She is someone that we should picked up we
22 could go talk to?
23 JY: Is it a lady?
24 RA: I don't know. How about Carol Tevass (sp?)? No? Ok, Daniel Cook?
25 GM: Wanna show him the photo's maybe, are you a face person or name person?
26 JY: I'm a face person.
27
28

NOT
IN
TRANSCRIPT

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Oh, ok, here. Look through these uh, those are people that were talked way back
2 in the day um, you might recognize them from some of the business that I don't
3 know. But, those are some of the locals from Lucerne Valley that were talked to
4 back then um, (pause) Here let me see this real quick. Do you know Donald
5 Stone? How about Ed Lee? Edwin White? Francesca Drake? 9/6:18

6 JY: Uh-uh.

7 RA: No? Uh, Fred Holbrook? No?

8 JY: You know what I mean I didn't socialize with the lady I didn't hang out with her.

9 GM: These are people that were interviewed back then. (overlapping conversation)

10 RA: These aren't all her friends. These are just people that the detectives spoke with.
11 How about Fred Holbrook, Senior? No? John Sullivan? Mage Ball (sp?) Marta
12 Cramer? Who's this guy? Rebecca Townsend? Ok, Richard Lash, anybody that
13 you worked or did some work at their house or anything like that?

14 JY: God, I can't remember it's been a long time.

15 GM: Yeah, a long time ago.

16 RA: Yeah we're almost out of photographs here. Uh, Ron Cobes, Cobbs (sp?) No,
17 nobody else? Sherry Halopa (sp?), Halopola (sp?), Halapola (sp?) Uh, Sherman
18 Henderson? No?

19 JY: Dude, I don't remember any of those people.

20 GM: You're just working.

21 RA: Cheryl. . . .

22 JY: Yeah.

23 RA: (Inaudible)

24 JY: All I was, was trying to build the business with my dad.

25 RA: Oh sure, I understand. Uh, Valerie Hernandez?

26 JY: Her name is, sounds familiar but (inaudible)

27

28

10:07.31 AM

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Kinda sounds familiar to you. How about uh, Ronald Backoff? anything
2 (inaudible). No?
3 GM: When you rented from her, guys come over all the time?
4 JY: Just the, the two guys I that I had seen and mentioned.
5 GM: Besides those two?
6 RA: Was she sociable or
7 JY: Yeah, she was
8 RA: We're trying to get a, a basic overall idea of who Rita was, who she hung out with
9 um, who came over to her house, what her normal activities was, uh, most of the
10 people that we've talked to did not, in fact we haven't talked to anybody that lived
11 in the rental house you're the first one so um
12 JY: I didn't know that there was anybody else you know uh, I don't even remember
13 how we got the number it might have been off the bulletin board in uh, the market
14 there in town.
15 RA: So you were looking for a, were you staying with your dad when you were looking
16 for a place?
17 JY: Yeah.
18 RA: You had just got out of the military so you were looking for a place. There's
19 a local bulletin board, you probably working for your dad at the time.
20 JY: Uh-hu.
21 RA: Didn't want you used to do as a kid growing up. You work for your dad when you
22 were growing up?
23 JY: Yeah, he did construction, yeah. He was a door hanger.
24 RA: You found, you saw the advertisement and said hey let's go check this out.
25 JY: I don't even remember how I got that. My dad may have told me about it.
26 GM: The rental here?
27 JY: Yeah.

10:03:48 AM
10:03:48 AM
10:03:48 AM

From HERE
To
PAGE 33:10
2 MIN 7
1 SEC.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: Was your dad good friends with Rita?
 2 JY: Hmm, I think they kind of traveled in the same circle.
 3 RA: Over at the Legion and the Moose Lodge, the Moose Club? (overlapping
 4 conversation)
 5 JY: Yeah.
 6 GM: What of the other bars I don't think we asked him that for socializing.
 7 RA: Uh, Y-Saloon or the Y, the Y-Café?
 8 JY: I don't think she ever, I don't think she ever uh, occasioned I don't know. She
 9 seemed more like the uh, the Lions Club or the VFW.
 10 RA: What about you did, did you go to those type of places too? To hang out socialize.
 11 JY: No, I'd go to the "Y" uh, with my dad and shoot pool or uh, the Moose Lodge and
 12 they have little events, dinner was served, barn dances and
 13 RA: Fundraiser stuff like that?
 14 JY: Not really fundraising
 15 RA: Things for the community.
 16 JY: Uh-uh.
 17 GM: You ever bump into Rita at the bars?
 18 JY: (Inaudible)
 19 GM: Cause we heard, I mean we don't know if it's true but we she kind of frequented
 20 the bars and drank a lot. *5:22*
 21 JY: I, yeah I'd hate to say anything cause I don't wanna you know be lying you know.
 22 RA: So you never drank with her or you never saw here while she was did the
 23 drinking?
 24 JY: Uh-uh.
 25 RA: Well how about, how about when you were living over here did she ever invite you
 26 over to have a drink you and your wife or
 27 JY: (Inaudible)

p. 32:4
 ↑
2 MIN 15 SEC
 ↓
50:44
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38 SEC.
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1 MIN 47 SEC
 To
p. 34:27

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: So she pretty much kept to herself then huh? I mean that's like kind of sounds to
2 me. She kept to your, herself you were probably busy your wife was probably busy
3 with the kids.
4 JY: Probably, I don't know.
5 RA: It's been a long time.
6 GM: She was probably a lot older cause you would have been. . . .
7 JY: Yeah, she was quite a bit older than I was.
8 RA: How old are you now?
9 JY: I'm forty-six. So she was twenty years older than I was.
10 GM: She was
11 RA: Wow!
12 GM: She's fifty-five?
13 JY: She's fifty-five.
14 RA: She's fifty-five so she would have been way older than you and Holly, yeah.
15 JY: Yeah.
16 RA: You probably didn't have anything in common at all.
17 JY: Not really. Just to pay the rent and
18 GM: How much was the rent? Fifty bucks a hundred bucks?
19 JY: It, it was um, three or four hundred bucks I'm not sure. It's
20 GM: Normal back then.
21 JY: Yeah
22 RA: So for whatever it was back then it was reasonable.
23 JY: Yeah.
24 GM: And who was the detective you think that talked to you?
25 JY: I don't know if it was a detective or a private investigator or who it was. I don't
26 remember. It was auh,
27 GM: So it wasn't anyone with a gun or a badge and uniform or dressed like us?
28

P 33:20

1 MIN
47 SEC

53:09

Y
X

1 MIN
16 SEC
To
P. 36:5

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: No.
2 GM: Ok.
3 RA: Do you recall how long after uh, she was killed that - -
4 JY: Umm.
5 RA: That the investigator came around asking questions?
6 GM: Was it immediately or
7 JY: Maybe, maybe six months, maybe three months I'm not sure.
8 RA: At that time you'd already moved down here, right?
9 JY: Yeah, we were
10 RA: Down in Lynwood.
11 JY: Right.
12 GM: So was, you weren't here when you talked to the private eye?
13 JY: No.
14 GM: Ok.
15 JY: We were like in, I think maybe some of my stuff (overlapping conversation)
16 GM: I think you said you stayed. . . . (overlapping conversation)
17 JY: My stuff was still yeah we were in the process of moving.
18 GM: And you had been here I think you said almost a year or
19 JY: We had been about two years.
20 GM: At this place about two years? Ok - - and the private eye didn't talk to you when
21 you lived here?
22 JY: Uh-uh.
23 GM: So it would have been several years, several years after she died then.
24 (overlapping conversation)
25 JY: They got in touch, they got in touch with me through my dad.
26 GM: So it wouldn't have been three to six months after she died. It would have been
27 two to three years.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Due I...
- 2 GM: Ok.
- 3 RA: So they contacted your dad and your dad contacted you and said hey
- 4 JY: Yeah, they contacted my dad and like I said they were just asking everybody they
- 5 knew to ask in town. I don't how they came up with this. 05:27
- 6 GM: You were living in Long Beach?
- 7 JY: Luc uh. . . .
- 8 GM: When the private eye got a hold of you.
- 9 JY: We were in the process of moving.
- 10 GM: Ok.
- 11 RA: So you moved probably back and forth?
- 12 JY: Yeah. (Inaudible)
- 13 GM: Did you relocated down here to Long Beach or from here you went to Long
- 14 Beach?
- 15 JY: Yeah.
- 16 GM: Ok.
- 17 JY: Or Lynwood? 05:28
- 18 RA: Have you stayed here pretty much the whole time since you moved down here.
- 19 JY: No.
- 20 RA: Maybe not in this house but I mean in this area of Long Beach. (overlapping
- 21 conversation)
- 22 JY: No, since I left here? No, we left I got (inaudible)
- 23 (laughing)
- 24 RA: Oh, ok man not a problem, not a problem. (overlapping conversation)
- 25 JY: I'm sitting here trying to
- 26 RA: Thanks for being polite.
- 27 JY: Jumping around here man I'm like. . . .

28.

P.34:27

To

1 MIN
16 SEC



31 SEC



1 MIN
24 SEC

To

P.37:18

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Not a problem, he has that problem. (overlapping conversation)

2 (laughing)

3 JY: Fuck, man these guys think I'm nuts all right uh. . . .

4 GM: But she's not a party girl? That you knew of?

5 JY: Not that, didn't have a boyfriends, didn't have

6 GM: She ever mean to you?

7 JY: Uh, no.

8 GM: I heard she was a nice lady.

9 JY: She's a very nice lady.

10 RA: How about when she was drinking? Some people when they drink alcohol their
11 personality changes and when they do drugs their personality changes, was she
12 descent when she had been drinking?

13 JY: I wasn't very sociable with her you know at least it wasn't my, my thing. You know
14 like

15 GM: And you were married too, right to Holly?

16 JY: Yeah.

17 GM: How long had you guys been married that time?

18 JY: Um, probably three years. (6:27)

19 RA: Were you guys pretty much together that whole time?

20 JY: Uh-hum.

21 RA: Cause I know some people relationships um, sometimes relationships are real
22 good and sometimes uh you have problems.

23 JY: No, everything was cool between me and her.

24 RA: You guys were together the whole time then?

25 JY: Uh-huh.

26 RA: No issues where you got pissed off and said I'm going to my dad's house I don't
27 wanna hear it and you were gone for two or three months or anything like that?

28

TRYING
TO EXPLAIN
PAGE COUNT
FROM
13 TO 136

~~P.36:17~~
P.36:17
To
MIN.
24 SEC.

27 SEC.

2 MIN
31 SEC
To
P.39:19

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: No.

2 RA: Same thing with her where she'd get pissed off and come down to mom's house
3 with the kids anything like that?

4 GM: So Holly might be able to help us out? Was she a stay at home mom?

5 JY: I don't think. . . (overlapping conversation)

6 GM: I mean when you guys were living here, she was a stay a home? .

7 JY: Yeah.

8 GM: So she might have know Rita better.

9 RA: She could have they could have talked. They could have spent time together. If
10 Rita was retired like you, like you believe and Holly was a stay at home mom it's
11 probably pretty possible that they, that they talked together, had coffee or did
12 something. How, how do we get a hold of Holly?

13 JY: Dude I don't know she lives in Canada.

14 RA: Does she have any does she have a phone number? (overlapping conversation)

15 GM: Oh, in Canada, oh wow!

16 JY: I don't have any.

17 RA: How about your kids?

18 JY: Try and ask them.

19 RA: How about does she family? She have any brothers or sisters that are, are her
20 parents still around?

21 JY: Um, yeah I think her parents, her mother in law, her mom lives in England still.

22 RA: Does what?

23 JY: In Lynwood..

24 RA: In Lynwood?

25 JY: Yeah, uh.

26 RA: Same house.

27 JY: Yeah, Abbott, Abbott Road. What the hell is her name um, Linda Smith.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: That's her mother, Linda Smith?

2 JY: Uh-hu.

3 RA: Ok.

4 GM: (Inaudible).

5 JY: Linda Mitchell.

6 RA: Linda Mitchell.

7 GM: Not Smith?

8 RA: How do you spell Mitchell?

9 JY: M-I-T-C-H-E

10 RA: You gotta come in

11 UN: Yeah. (overlapping conversation)

12 RA: Right, no problem dude.

13 UM: (Inaudible)

14 RA: All right why don't you go ahead and do that. Hey how you doing? Oh, that's ok,
15 that's ok. (overlapping conversation)

16 UF: My sister is coming over too so if you see someone come up it's just her.

17 (Pause)

18 GM: ^{29:13} If you he intimate with Rita we need to ask. I'm not ready to go. (Inaudible) I do
19 now. (Inaudible) Just so you know you know this is. . . .

20 RA: Uncomfortable.

21 GM: Yeah because of your age difference I gotta ask questions like this ... I don't you
22 (Inaudible). *whispering*

23 JY: Sorry about that.

24 RA: Oh, no problem.

25 (laughing)

26 JY: I am by myself all week and I don't eat much but when I get home on the weekend
27 I eat regularly you know.

28

NOT IN TRIAL

P.37:26

Td

*2 min.
31 sec*

*Whispering 29:19
WHISPERING*

*1 min
41 sec
to
P.40:20*

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Are you on some kind of a diet or something?
2 JY: No I just start working and I eat during the day.
3 RA: Sure.
4 JY: I slow down you know. My production isn't high enough so. . . .
5 RA: So your eating habits are different cause your busy at work?
6 JY: Yeah, when we eat, I'll eat two or three times after I get home but I won't eat
7 breakfast or lunch.
8 RA: You know I know your wife's here and we're asking a lot of questions.
9 JY: She's probably tripping out.
10 (laughing)
11 RA: Right, I know, I know we're trying to be cool cause we want you to help us with
12 this. (overlapping conversation)
13 JY: Really trying to be cool.
14 RA: Um, I know it's kind of uncomfortable. Did you have a relationship with, with Rita?
15 Were you guys, you guys ever hook up? You guy's ever intimate or anything like
16 that? I mean she was, there is a considerable age difference there but we don't
17 know who she dated or what her habits were and the only thing you're telling us is
18 that there were possibly two guys that she had seen.
19 JY: no, I didn't see her.
20 GM: I mean if you did you know let us know. No? 01:00
21 RA: No?
22 JY: What kind of a relationship?
23 RA: What's that?
24 JY: Sexually you mean?
25 GM: Yeah. She was like fifty-five and you were twenty-two. (overlapping conversation)
26 RA: Twenty-two, right?
27 JY: Yeah, that's pretty, pretty young.

NOT
TRIAL

p.39:
To
1 MIN
41 SEC
To
1 MIN
15 SEC
To p.41

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah.
2 GM: Ok, how long?
3 JY: Probably three or four maybe six months.
4 GM: And then to Rita's rental. You and Holly were still good. You lived there for how
5 long?
6 JY: Maybe eight months, nine months.
7 GM: And then went to the second rental lived there or you had John Junior here and
8 then you moved to the second rental?
9 JY: John Junior, yeah John Junior was all ready born when we moved in here.
10 GM: You said he was like a year and a half?
11 JY: Yeah.
12 RA: So then you moved over to this house and you had Jasmine when you
13 JY: Yeah, J.J., Jasmine are uh two years apart so. . . .
14 GM: So J.J. was born there also?
15 JY: No, J.J. was born when I was in the service.
16 RA: Ok, so J.J.
17 GM: J.J.
18 RA: would be the son?
19 JY: You guys want something to drink?
20 GM: No, we're cool.
21 RA: No, I'm all right.
22 GM: J.J.'s John?
23 RA: J.J.'s John Junior.
24 GM: John Junior, ok.
25 RA: Ok, Jasmine would be the one that was born at this house and then when you left
26 this house and moved down to Lynwood how long did you stay at this house?
27 JY: I believe a year and a half.

28

P.42:2

To
53 SEC

04:15



42 SEC

To
P.44:3

P. 43:1

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

425EC

1 RA: A year and a half, um did you have any more kids in that year and a half besides
2 Jasmine and J.J.? No, so then that was when you moved down to Lynwood it was
3 Holly, you, Jasmine, J.J. 1:04:54

4 GM: Like my partner said it, it's embarrassing for us to ask but because you lived here
5 and we don't know what type of person you were back then. We don't know if you
6 were partying you cheated on Holly all the time we don't know what kind of scene
7 you were into you know and Rita's right here you know we, we gotta ask those
8 questions. You ever get in a fight with her a physical fight?

9 JY: With who?

10 GM: Did she ever get in a physical fight with you and hurt you?

11 JY: No.

12 GM: She never attacked you physically or anything like that? I mean we don't know
13 her. We, we've never met her. We heard she can get belligerent and cause
14 problems so (overlapping conversation)

15 RA: Yeah, we heard that she, get a little, get very belligerent when she'd been drinking
16 and kind of turn into obnoxious person. But, you're, to, you're describing that you
17 never saw that.

18 GM: And she was always kind to Holly. 1:05:46

19 JY: Always very kind and very compassionate.

20 GM: And you and her never partied you guys never got intimate?

21 JY: I don't think we even got a beer together. She just wasn't that kind of partier.

22 GM: Cause like I said we didn't we don't know you and your not so we have to ask
23 those questions because you lived on her property. You guys never kissed? Never
24 had sex? Never got in any fights with her? She was a nice lady? You're nodding
25 your head no?

26 JY: Yeah, no

27

28

1 min

11 SEC

1 min

11 SEC

To

45:13

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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GM: Ok.

JY: (inaudible)

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

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

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

GM: Ok.

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

GM: Talked a lot of different types of people.

RA: Yeah, people do that. That's their thing but that wasn't your guy's thing? 1:06:53

JY: Uh-uh.

RA: Ok.

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

JY: No.

RA: Any other. . . .

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

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

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

JY: Um, yeah. ALTERED ANSWER 45:22 ALTERED

GM: Ok, so she wasn't like that it was strictly business? She didn't allow anybody in her house? 1:07:23

JY: No

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

JY: No ~~she had a key to my apartment~~ - wrong ~~connection~~ ~~on my part~~

P. 44:18
12
1 MIN
11 SEC
21 SEC
7 SEC
SEC
To P. 46:12

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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

ALTERED ANSWER
FROM ~~NO~~ TO NO
YES SHE DID

2 JY: ~~No~~ yes she did 1:04:32

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

4 When you guys were living there she just wouldn't

5 JY: She was thoughtful 07:07:42

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

8 GM: Does she have any pets?

9 JY: I think she had a dog.

10 RA: What kind of dog?

11 JY: (Inaudible)

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

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

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

15 JY: I don't remember.

16 RA: Excuse me?

17 JY: I don't even remember.

18 RA: Ok.

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

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

24 JY: Yeah.

25 RA: So

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

27 JY: Yeah, uh, pistachio farm is over here.

28

P. 45:2
To
7 SEC
↓
10 SEC.
↓
2 MIN
12 SEC.
TO
48:1

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Do you know which one we're talking about? It's called Minnie, Minnie Springs
2 Pistachio Ranch maybe?

3 JY: I don't know what, what it is now?

4 GM: So your road was in between Rita's and the pistachio farm?

5 JY: Yeah.

6 GM: Ok.

7 RA: Did you

8 JY: No, it was. . . . (overlapping conversation)

9 RA: Did you hang out with the people at the pistachio farm?

10 JY: Uhhh, God I can't keep (inaudible)

11 GM: Do you have a map Rob?

12 JY: No, I didn't bring a map of that area.

13 JY: I don't remember the name the road, uh, just like an old bar and there used to be
14 restaurant used to be right up here.

15 RA: Right.

16 JY: You know right by

17 GM: Can you draw like a smaller scale like Rita's, the dirt road you lived on, the
18 pistachio farm and that way we can kind of get a better picture.

19 RA: Ok, so that's Big Bear.

20 JY: Big Bear.

21 GM: You got 247 and 18 come together down here.

22 JY: Well you got

23 RA: Ok so that's where he lives and that's the rental.

24 JY: And this is the rental right here, there's a, a wolf sanitarium or whatever. It's, they
25 call her the wolf lady.

26 RA: She grow flowers there or what does she do?

27 JY: No, she raises wolves.

28 Page 47 of 136

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: On that road? *09-81*

2 JY: Yeah.

3 GM: Oh wow! Still to th—oh you probably wouldn't know.

4 JY: Yeah, still to this day. (overlapping conversation)

5 GM: Still today?

6 RA: So where is her house? This is wolf lady?

7 JY: Yeah, yeah. . . .

8 RA: And this is your rental right?

9 JY: Yeah, this is where the rental was and then down in the county here and this goes

10 to I think 240. . .

11 RA: 240, ok that's 247 and then what you said Barstow Road earlier.

12 JY: And Barstow Road is like. . . .

13 RA: Ok, all right.

14 JY: Barstow Road.

15 RA: Now where was the pistachio nut place in relation to here?

16 JY: It's like right here.

17 RA: We, we thought we'd been out and talking to about thirty different people I think a

18 little bit more than thirty actually. Um, we went over to the pistachio farm it looks

19 like there might be more than one farm back there. When we spoke to them um,

20 did you ever go over hang out with them and party with those guys?

21 GM: I heard it was kind of a party spot back then.

22 RA: We heard that if you were gonna party. . . .

23 JY: It, it was a, a, I think this road right here, there was a house right there uh, two

24 story old it's on that side uh. . . .

25 RA: Could you put pistachio farm so I remember,

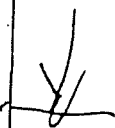
26 JY: Yeah.

27 RA: Ok, than this was the wolf lady can you write wolf. . . . *01-11-10*

To P.46:
2 MIN
12.5 SEC



1 MIN
22 SEC



39 SEC
To
P.49:19

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: So real wolfs full-bred?
 2 JY: Yeah.
 3 RA: Where did she get em from? She breeds them?
 4 JY: It's like a wolf rescue.
 5 GM: Really?
 6 RA: They kind of dangerous?
 7 JY: Yeah, I guess.
 8 RA: Did you ever go check them out?
 9 JY: Yeah, you know (inaudible) my wife you know.
 10 RA: Are they a trip? I never seen a real wolf.
 11 GM: I'll have to go check that out. I'd like to see that.
 12 RA: Yeah, but anyways what's up with that house?
 13 JY: That's a guy that used to live there that's where I bought my vehicle.
 14 RA: Do you know what his name was?
 15 JY: No, I can't remember.
 16 RA: What's that?
 17 JY: I couldn't remember.
 18 GM: And then whose house was this? I never saw this. (overlapping conversation)
 19 JY: That's were I used to rent, uh, it was just a . . . *01:11:55 (background talking)*
 20 GM: From a friend, a family member?
 21 JY: It was somebody that lived out of state you know, and he owned the house and he
 22 actually paid like sixty dollars a month rent there, you know?
 23 GM: Ok, so you guys weren't squatting or anything?
 24 JY: No, no we weren't squatting.
 25 RA: So basically he's giving you free rent.
 26 JY: Right.
 27 RA: So you'll take care of his place and won't bust it up? *01:12:45*

P. 48.27

39 SEC



20 SEC



40 SEC

To P. 50:19

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Correct.
- 2 RA: Right?
- 3 JY: Correct and (overlapping conversation)
- 4 RA: And you guys pay a small maintenance fee for you to live (inaudible).
- 5 JY: Right, well I mean I did a lot of work there so basically we kind of negotiated a, a
- 6 rental.
- 7 RA: Sure.
- 8 JY: Price, cause I put on a front porch and uh, uh just remodeled.
- 9 RA: The whole place?
- 10 JY: Yeah.
- 11 RA: That was good for him actually.
- 12 JY: Yeah.
- 13 RA: Did this guy used to go over and party over at the pistachio place?
- 14 JY: Gee I don't. . . . you're asking the wrong guy you know?
- 15 GM: We just heard. . . .
- 16 RA: Did he ever take, we heard that this was the party spot over here.
- 17 GM: Where Rita would go.
- 18 RA: Where Rita would go um. . . .
- 19 GM: That's where we thought something may have happened. 61:22:57
- 20 RA: Don't know, ok.
- 21 JY: You guys want some coffee?
- 22 RA: No, no I'm cool.
- 23 JY: (Inaudible)
- 24 RA: Um, did your friend that sold you the weed did he ever take you to the pistachio
- 25 place to hang out?
- 26 JY: No.
- 27 RA: (Inaudible) drink over there.

28

P. 49:27
To
40sec
*
1 MIN
18sec
To
51:16

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: What a trip. I thought for sure you guys had already solved this thing a long time ago.

2 GM: How come you never came forward to talk to any of the detectives?

3 JY: Well I only spoke to the guys that spoke to me. I you know I had nothing to offer them what am I gonna say.

4 GM: Cause you were living on the rental property that could have been helpful back then for the detectives.

5 JY: I, again I didn't run in the circles that she ran I was in a different you know.

6 GM: I guess that kind of makes sense. But at no time you didn't no detective tried to reach out to you, tried to make an appointment to talk to you, come by your house leave a business card?

7 JY: Somebody again. . . .

8 GM: Just a private eye?

9 JY: I don't know if it was a private eye or it was a detective or I don't know who it was.

10 RA: But somebody was asking questions? (overlapping conversation)

11 JY: ~~but I remember~~ (Inaudible) somebody in person and I spoke to somebody over the phone and they asked me what I had to offer as far as anything and the only uh, complication I had ever seen her have was with that one gentleman out in uh. . . .

12 RA: Right, but never nothing turned physical with that I mean nothing ever happened. (overlapping conversation) You know this guy.

13 JY: He left.

14 RA: Right.

15 JY: And I don't even think he had a car. I think he left walking. I don't even remember him how he got there maybe he had somebody drop him off or what I don't know.

16 ... 05:14:43

17 RA: You wanna after you discuss this a little more in detail with him I wanna ask him some more questions. I'd like to go down to um, the other location to speak. I

STATED
I SPOKE TO
NOT INAUDIBLE

50:19

To

18 SEC

1 MIN

7 SEC

15 SEC

26 SEC

To
P. 52:3

SPliced
EDITED

P. 51:25
TG
26 SEC

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

OFFER OF NON CUSTODIAL
REMOVED

1 think some things that we're gonna talk about are gonna be a little bit private,
2 embarrassing and I just wanna make sure that we're in a comfortable location um,
3 kind of away from your wife. Do you mind going with us? 01:15:09

4 JY: Where are we going? RECORDING CUT OUT AND SPICE AUDIO

5 RA: Go down to Signal Hill police department so we can sit down there and talk. 01:15:13

6 JY: I guess so.

7 RA: I appreciate it.

8 JY: I mean I'm now like a suspect, suspect on this thing or what? 01:15:23

9 RA: Well we're talking to everybody trying to get as much information as possible John
10 and um, sometimes we have to ask personal questions and ... 01:15:31

11 GM: You got your family sitting right there. (overlapping conversation)

12 RA: Your family's right there and we don't wanna cause any type of embarrassment.

13 JY: I don't think there is gonna be any kind of complications.

14 RA: I think it would be just be better if we did it kind of back at the station as opposed
15 to right here. And you have been very cooperative with us talking to us right now
16 and um ... 01:15:57

17 JY: Hey Mel, Melody?

18 GM: Hi, how are you?

19 UN: (Inaudible)

20 RA: Hi.

21 UN: (Inaudible) Uh, here Montana.

22 UN: Montana here.

23 GM: That's him huh? He's big.

24 RA: He looks like a big friendly dog.

25 JY: Was, was killed and they are trying solve the case and they wanna just ask. ...

26 UN: Who? 01:15:43

27
28

11 SEC

To
P. 53:3

alot of background
GOING
THE CLOCK
COUNTS BACKWARD FROM
1:15:57 TO 1:15:43

P. 52:3

TG

48 SEC

not sure if it was
spliced into
it was not not
not sure

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P. 52:
To
11 SEC

1 JY: A lady named Rita. Me and uh, J.J. and Jasmines mom had rented from her that

2 she had gotten killed (inaudible).

3 UN: ^{met} OK, so? 01:15:54

UN = MELODY

4 GM: He had never been interviewed back then officially and he lived in a back rental
6 that the detectives didn't know about back then.

6 UN: (Inaudible)

7 GM: So, obviously we wanna clear him if he didn't have anything to do with it. He was
8 living back there. . . . (overlapping conversation)

9 RA: We wanna. . . . (overlapping conversation)

UN - WAS LEFT OUT
BETWEEN 7 AND 8
UN: OKAY

10 GM: about the time when this happened

11 RA: We'd like to sit down and have a talk and we, we have a lot more questions that
12 we'd like to ask.

1 MIN
25 SEC

13 UN: Ok, I mean. . . .

14 RA: Ok. 01:17:14

15 UN: So he's gonna ride with you or you want me to give him a ride up. . . . (overlapping
16 conversation)

17 GM: He can ride with us and we can bring him back.

18 UN: Ok.

19 JY: Do you mind if I take uh, we got your car never mind.

20 RA: Um

21 UN: Do you want me I can give him a ride up there if you want me uh, just let them.

22 GM: If you want that would be fine.

23 RA: If you want, that's cool.

24 JY: Ok.

25 GM: Whatever's easier.

26 RA: As long, as long as you don't mind.

27 UN: Cause I don't mind giving him a ride no.

1 MIN
22 SEC

To
P. 54:17

SECTION MISSING
WHERE I APPROVED
THEY ALL DRIVE
TRUCK

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Your daughters beautiful how old is she?

2 JY: Seventeen.

3 RA: Seventeen, is she a handful?

4 JY: No, they're all my kids are good. I got one kid that uh, nineteen, Joseph and he's,
6 he's a handful.

6 RA: Does he tests your patience a little bit?

7 JY: Yeah, well he's going down all the roads that I went down and making all the
8 mistakes that I had made. I'm just like

9 RA: When you dad probably used to say, "you wait till you have your own kids."

10 JY: No, my mom said you're gonna have somebody that is going to do the same
11 things to you that you're doing to me.

12 RA: So did you ever tell your dad, "hey man you know what I'm sorry dad."

13 JY: I always call my dad and apologize.

14 (laughing)

15 RA: That's pretty funny.

16 JY: I always.

17 RA: So you smoke and Melody doesn't, huh? Is that correct? *01:18:41*

18 JY: Yeah.

19 RA: Yeah, I kind of figured cause I saw you leave your cigarette here.

20 JY: Well that I don't smoke inside so. . . . *WE WERE IN DRIVEWAY AT THIS*

21 RA: Is that just a courtesy thing for is that mother or your grand- *TIME*

22 JY: Yeah, that's my mother-in-law.

23 RA: Mother-in-law, ok how old is she?

24 JY Uh, eighty-nine.

25 RA: She doesn't have emphysema or anything does she? *01:18:57*

26 RA: Uh-uh.

27 GM: You guys ever been to Signal Hill P.D.?

28

P. 53:14

To

*1 MIN
22 SEC*

16 SEC.

34 SEC

*To
A 55:16*

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Uh, (inaudible).
2 GM: But is it in Long Beach?
3 UN: Long -- yes.
4 JY: Yes.
5 RA: So it's a city within a city?
6 UN: Yeah. (overlapping conversation)
7 JY: Yeah, it's a city inside a city.
8 RA: So, this is Signal Hill over here.
9 GM: (Inaudible)
10 UN: Yeah.
11 GM: I'm confused?
12 UN:^{mel} Yeah, this Signal Hill it's own community.
13 RA: Right.
14 UN:^{mel} And then past I think if you go past Willow no actually they go down quite a bit up
15 to Spring Street, that's Long Beach and if you go down to PCH past is Long
16 Beach. So, this is it's own
17 RA: Oh wow! How did they incorporate a city within a city?
18 UN:^{mel} Um, many moon's ago I guess.
19 RA: Many moon's ago, ok, anyway there's my card.
20 UN:^{mel} So, just call me whenever and come get him or
21 RA: Um, yeah.
22 UN: Ok.
23 RA: That's fine, that's fine.
24 UN: Ok.
25 GM: When you said across the street you were right.
26 UN:^{mel} I love you babe.
27 JY: Ok.

UPV = MELODY

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

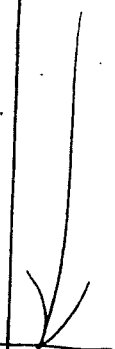
1 UN: Call me?
 2 JY: Yeah.
 3 RA: Thank you.
 4 GM: This is the lobby?
 5 JY: Um, yeah.
 6 RA: We've never been down here before so we don't even know where the station's
 at. ~~01:23:17~~ 113 VERSION Mrs "THERE WE GO"
 7 JY: I been here before and um,
 8 RA: Um, just leave it open.
 9 JY: a warrant awhile back...
 10 RA: There we go. ~~01:23:19~~
 11 GM: Do you wanna finish your cigarette? ~~01:23:27~~
 12 JY: When I spoke to my dad and the guy's names are Leftwich (sp?).
 13 GM: Leftwich (sp?) we do have that name.
 14 RA: Yeah, we do have that name. (screeching noise)
 15 JY: And uh, (screeching noise), a Dave Leftwich.
 16 RA: Dave?
 17 JY: Yeah.
 18 GM: I think we have that. That name has come up. ~~01:23:39~~
 19 JY: Yeah. (screeching noise)
 20 RA: Hi, are you Sergeant Ducey (sp?)
 21 UN: No.
 22 RA: No, ok, ok is there a room? Do you have a room?
 23 UN: Yeah, come on back here.
 24 RA: Ok, thanks. ~~01:24:00~~

113 on version

9:56:7
To
5 SEC
1 MIN



48 SEC



37 SEC
To
9:59:11

INTERVIEW WITH JOHN YABLONSKY

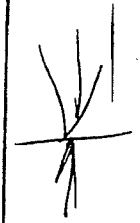
DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 UN: We actually have two rooms so we wanted to talk to you about I don't know which
 2 you guys wanna use that one interview room that's in the jail room or one that's in
 3 the detective bureau?
 4 GM: Detective Bureau. (overlapping conversation)
 5 RA: Detective Bureau, yeah something a little more laid back. (screeching noise)
 6 GM: I gotta use the restroom.
 7 RA: Ok.
 8 GM: I don't know which way it is?
 9 RA: We don't, we don't know either.
 10 UN: And we have to try to figure out how the video thing works so uh, why don't you
 11 have a seat in here for a minute. (Inaudible) ~~01:24:32~~ ~~long~~ ~~pause~~
 12 UN: Yeah.
 13 RA: Sarge?
 14 UN: There you are?
 15 RA: Hey, how you doing? I'm Rob, nice to meet you. ~~01:25:14~~
 16 UN: Nice to meet you too.
 17 UN: So uh, one of you guys (inaudible) I have two rooms (inaudible).
 18 UN: I have one next to the jail. I don't know if you want that one, do you want that
 19 one? Ok give me a second. ~~01:25:26~~
 20 RA: Oh, what looks good, Snapple?
 21 JY: No, a Diet Pepsi.
 22 RA: Diet Pepsi, you're a Diet guy? No?
 23 JY: For awhile man I, my wife had me convinced that the regular Pepsi upsetting my
 24 stomach and I just, tough getting used to but once I got used to it, it was cool.
 25 RA: You have stomach problems?
 26 JY: No, just trying to keep from getting fat.
 27 RA: Oh, ok but you don't look fat did you put a bunch of weight on or something?
 28

P.58:2

To
37SEC



37SEC



12SEC



1MIN
52SEC

To

P.60:22

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(V) Rita Cobb

JY: No, but now I'm forty-six years old I'm in pretty good shape.

RA: You know what's funny is my wife before I uh, got married I been married for too

long probably uh, don't tell my wife that uh, I never drank Diet Coke. I just couldn't

drink it and that's when I married my wife that's the only thing that she buys. She

doesn't buy anything else but what she likes so I had to become used to it and

become accustomed to Diet Coke so now all I drink is Diet Coke and when I drink

the regular Coke it doesn't taste the same.

JY: (Inaudible) (overlapping conversation)

RA: Exactly, it taste funny to me. I, I can't drink regular Coke now.

GM: How is this department? You ever have any problems when you lived across the

street?

JY: Yeah, I had some tools missing but I kind of figured out you know, nobody in their

right mind would break in a truck right across the street from a police station and

take the tools but I think it was my son.

GM: That would be pretty balls. . . . (overlapping conversation)

RA: Do you think he pawned them or something?

JY: Huh?

RA: Do you think he pawned em?

JY: Sold them to his connection yeah probably.

RA: (Inaudible)

JY: He gets high just once a week.

RA: He's not doing, is he doing meth or anything? Is he doing meth?

JY: I hope not man I don't know. I been clean thirteen years on meth. I relapsed after

ten years uh, on Vicodin. I had some problems with my hand. They gave me a

script for the part of ~~of the~~

RA: Right.

JY: I have a very addictive personality, ridiculously addictive personality.

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MISSING
11:30
11:35

13 SEC

11 SEC

52 SEC

1:58:19

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

13203
13203
13203

1 GM: That's good you turned that around. That's, that was serious (inaudible) every
 2 couple of minutes (inaudible) take at one time?
 3 JY: (Inaudible)
 4 GM: Now for someone who wasn't taken them is like fifteen cause an overdose?
 5 Fifteen cause an overdose for someone who wasn't used to taking them?
 6 JY: I'm sure it would.
 7 RA: They have a room back here that we can actually sit in. This isn't that comfortable.
 8 UN: What's up bud?
 9 JY: (Inaudible)
 10 UN: All right man.
 11 JY: I'm all right how you been doing?
 12 UN: I'm all right.
 13 RA: You guys know each other?
 14 JY: Yeah.
 15 RA: Did he take your burglary report or your property theft report?
 16 JY: Yeah, I have a friend that lives in (inaudible) with my kid. I don't know why but you
 17 guys got me scared to fucking death here.
 18 RA: What's that?
 19 JY: Say, I don't know why but I'm like scared to death here.
 20 RA: Uh, just relax man.
 21 JY: I'm trying to man.
 22 RA: Ok, like we said (overlapping conversation)
 23 JY: Ok, I spoke to my dad and uh explained to him uh, what was going on and he said
 24 that her son had been uh, arrested and convicted of it you know it's . . .
 25 RA: Of what?
 26 JY: Rita's murder.

1.61:23
 To
 /min
 8sec
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 28sec
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28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

Showing DW
of FEE
of COMFORT
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RA: Oh, really, ok, that's not true I can tell you that right now. Um, I appreciate you coming down here and talking to us uh, what we wanna do is I wanna basically go over what you told us earlier um, because I wanna get a little more detail as far where you lived and time frames and you know that type of stuff I just want, want a use much information from you as possible be a little more comfortable here than it was at your house.

JY: For you guys (inaudible).

RA: I'm, we never been here before so I feel pretty comfortable and I hope you feel comfortable to uh, I appreciate you coming down here, uh, you're free to leave at anytime that you want. You're not under arrest but I'm, I'm glad that you, that you came down here to talk to us. Do you remember how to get out?

JY: Yeah.

RA: Ok, great, great. Anyways let's I'd like to kind of stop at I'd like to start from when you were growing up and where you lived and let's just progress that far you know I wanna talk about everything that you that we talked about earlier but I wanna start from where you lived and then all the way until you moved down to Lynwood.

JY: Ok, talk about where I lived growing up?

RA: Yeah. Just

JY: All right.

RA: Tell me everything about yourself. (overlapping conversation)

JY: My parents, my parents split up when I was uh ~~07-2-85~~

RA: Uh, let me do this when you when you're explaining thing to us if you could give me approximate years or if you know the date or the month that would be great to and maybe name I know that your dad's name is George cause you told me couple of minutes ago but I don't know your mother's name so

JY: Ok, her name is Betty Joe. ~~07-2-85~~

RA: Ok.

P.62:24

TO
1 MIN
23 SEC



20 SEC



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: And my parents split when I was ten. And it's like a normal kid at that age I played
2 parent for parent. Get what I can out of this one and go to that one so when I
3 mentioned that my dad got short it was like I played all out and ok pack your shit
4 and move back with your mom and. . . .

5 RA: Uh-hum.

6 JY: Um, that's what had happened you know I just bounced back and forth my mom
7 lived in Lynwood, Compton, South Gate. She moved all the time uh, Long Beach
8 uh, my mom is the one that introduced me to getting high and uh, I drank when I
9 was living with my dad at the age of fourteen.

10 RA: So dad was cool with that?

11 JY: Yeah, we drank beers you know we go out in the truck and shoot rabbits at night
12 and stuff like that so uh. . . .

13 RA: So back then you probably said dad's really cool.

14 JY: Yeah, but then when the beers turned into liquor after school you know with the
15 guys uh going to the arcade then uh, you know I did some stupid things and uh he
16 says like that's enough you gotta go back to live with your mom.

17 RA: So when you lived with your dad you lived in Lucerne Valley.

18 JY: Yes sir.

19 RA: At the same exact house Trade Post Road.

20 JY: Um, initially yeah, we lived at Trade Post Road and then the house had caught on
21 fire one day and burnt and we moved up onto Rabbit Springs Road and then uh,
22 that's one of the moments where you know I was just out of line and uh drinking
23 and I wrecked a motorcycle that belonged to somebody else. He says fucking
24 pack your stuff you're going to your mom's.

25 RA: Right.

26 JY: You know and then and came back down to my mom's and um. . . .

27 RA: How old were you when you came back down to mom's?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

*MISSING
113 IN
VERSION*

1 JY Um, like fifteen something like that.
2 RA: Right.
3 JY: And then uh
4 RA: But your mom used to get high with you? That was smoke weed or
5 JY: Smoking weed.
6 RA: She wasn't doing meth or anything, right?
7 JY: No my mom was doing everything dude.
8 RA: Really, pills?
9 JY: Pills you know.
10 RA: Meth?
11 JY: PCP almost everything.
12 RA: Wow, was that kind of like an eye opening experience for you when you were
13 JY: I thought it was
14 RA: a teenager?
15 JY: yeah, get, get high with my mom and everything was
16 RA: All right was she cool to get high with or?
17 JY: Yeah, I guess as a kid it was kind of cool.
18 RA: Yeah, I don't know. I'm asking these questions cause I, you know I didn't
19 experience that so it for me it's kind of foreign I'm just not used to it. Um, so you
20 moved back down with mom down to Lynwood, Compton and Long Beach area.
21 JY: Yeah.
22 RA: Hung out with her for a little while.
23 JY: And then uh, um, I went back and ended up with my dad for about a yea., no six
24 months so. . . .
25 RA: You moved back to Lucerne?
26 JY: Yeah, when I was sixteen and um. . . .
27 GM: On Rabbit Springs?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, no I think we had moved no it was on Rabbit Springs he hadn't finished
2 rebuilding the house yet.

3 RA: Uh-huh. So did dad rebuild the same, rebuild the house?

4 JY: Rebuild the same house and

5 RA: And is that the house that he's living in now?

6 JY: Yes sir.

7 RA: Oh wow, so he's been out there for a long time huh? —

8 JY: Oh yes he's been out there for a long time.

9 RA: So he's probably had that paid house, that house paid off numerous times huh?

10 JY: Yeah, yeah, a couple of times. He even sold it and uh, somebody had bought it
11 and were making dope and let the insurance lapse and he foreclosed on it and he
12 got it back so and he married uh, married a lady from the town. They get along
13 good (inaudible).

14 RA: So at sixteen you moved back with dad. He's now back at the Trade Post.

15 JY: No, he was still over on Rabbit Springs Road you know. He moved over into uh, a
16 little housing track right off of eighteen in between town and uh, Rita's it's on the
17 north side of eighteen.

18 RA: By the school?

19 JY: Yeah, over by the school. . . (overlapping conversation)

20 RA: Right, ok cause we, does Rabbit Springs Road go past that little housing area?

21 JY: Uh-uh, eighteen.

22 RA: Ok, eighteen all right cause I remember driving we were cruising around through
23 Lucerne Valley I remember going over by that school and I think that was the only
24 like housing track there. Most of the other houses were I, I wanna say like custom
25 built houses or houses that your next door neighbor doesn't look like your house.

26 JY: Yeah.

27 RA: Right, they're not track houses?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: No, it's tough to do out there because of all the stuff that gets stolen so. . . . it's a
2 big meth factory out there. ~~DR 3-7-00~~
3 RA: Is it a big meth problem out there?
4 JY: Yeah, that's why I got stuck on meth.
5 RA: Now before you moved back uh, had you ever done meth before?
6 JY: Before I moved back the second time?
7 RA: No the, I mean when you were sixteen years old?
8 JY: When I was sixteen, no.
9 RA: No meth then? Just marijuana and drinking alcohol, beer, liquor whatever you
10 could get? So you moved back to dad's house at sixteen and then uh, obviously
11 you started tending. . . .
12 JY: High school.
13 RA: Victor Valley High School.
14 JY: Yeah, Apple Valley.
15 RA: Apple Valley High School.
16 JY: Yeah.
17 RA: Um, tell me about that. When did you go there?
18 JY: Uh, I think I, it was about a year from the time that uh, I had wrecked the bike and
19 my dad sent me to my mom's before I came back.
20 RA: Uh-hu.
21 JY: And then uh when I moved back uh, it was in my junior year of high school I was
22 still a little hellion you know getting into trouble and stuff you know. He made me
23 move back, back with my mom.
24 RA: So how long did you stay with your dad that time?
25 JY: Uh, probably about nine months.
26 RA: So, nine months and then your senior year you moved back with mom. ~~DR 3-7-00~~

P. 63 : 24
To
5 MIN
5 SEC
V

1 MIN
17 SEC

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Yeah, from uh, for my junior year, freshman, sophomore, junior from my junior to
2 my senior year in high school (overlapping conversation)
- 3 RA: You're back down Lynwood or wherever your mom was living at that point.
4 (overlapping conversation)
- 5 JY: Yeah, yeah, she was living in Paramount at that time.
- 6 RA: Ok, and what high school were you going to then?
- 7 JY: Um, Paramount High School. ~~at 30.~~ ~~you passed a white~~
8 RA: Paramount. ~~mid-answer~~
- 9 JY: Uh-huh.
- 10 RA: How many different high schools did you attend John?
- 11 JY: Probably four.
- 12 RA: We have Apple Valley, Paramount – (overlapping conversation)
- 13 JY: Paramount High School, went to Polly for a little bit.
- 14 RA: Polly, what's that?
- 15 JY: Polly High School it's here in Long Beach as a matter of fact (overlapping
16 conversation).
- 17 RA: Is that like Poly Tech?
- 18 JY: No.
- 19 RA: Ok, just Polly High School. (overlapping conversation)
- 20 JY: Polly High School. I didn't go to Polly cause my brother went to Polly.
- 21 RA: Ok.
- 22 JY: And he was like calling people niggers and I wasn't that way. He'd end up in fights
23 all the time so I ended up going to Jordan. A predominantaly I was kind of raised
24 right here in this little area.
- 25 RA: Uh-huh, what other high schools?
- 26 JY: That's it.

28

P. 62:2
To
26 SEC.
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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: That's it. And I think you told me earlier that you, that you never, that you never
2 graduated correct?

3 JY: No, I quit in my uh, half way through my second semester in my senior year uh, I
4 got a job as a, a machinist. First, I was a, a line worker for you know the roll-a-
5 matic mops.

6 RA: Mopping floors?

7 JY: No, the roll-a-matic mops, the mops that you guys mop the floor with and you
8 push that little handle and it rings the sponge out.

9 RA: Yeah, uh-huh. (overlapping conversation)

10 JY: Well I worked for a company that made those and then uh. . . .

11 RA: So you worked in a factory?

12 JY: Yeah, and then uh he asked if I uh could build him a, a warehouse. Not a
13 warehouse but a, uh, machine shop you know just build the walls up. . . .

14 RA: Uh-huh. (overlapping conversation)

15 JY: and shit and working with my dad I was pretty mechanically inclined that way so I
16 built him a machine shop and he taught me how to run a milling machine making
17 computer, a computer doors.

18 RA: That's pretty cool.

19 JY: Yeah.

20 RA: So he must a had a lot of trust in you then? He must a liked you?

21 JY: He must of liked me I don't know about

22 RA: Give you a job, teach you a trade and let you help him out.

23 JY: By that time I was uh.

24 RA: Were you smoking a lot of weed back then?

25 JY: Yeah, I was smoking way before I go to work and sometimes I'd take some acid
26 and you know it just wouldn't produce the right when we're making computer
27 doors the gotta be within the three thousandth of an inch and that's you know. . . .

28

MISSING
113
VERBATIM

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: If you're on LSD it might be a little bit tough to get those tolerances that tight,
2 right? (overlapping conversation)

3 JY: It was, it was tough. I don't think he fired me I think I quit though.

4 RA: But you knew that your time was coming that he was pissed off at you.
5 (overlapping conversation)

6 JY: Yeah, I was just, got bored I guess.

7 RA: Really, was the same task over and over?

8 JY: Yeah, (inaudible). ~~XXXXXXXXXX~~

9 RA: So now who were you dating back then? Were you seeing Holly?

10 JY: Uh, yeah.

11 RA: When did, when did you first meet her?

12 JY: Um, when I was in high school. We had set out by the bleachers and uh, smoked
13 weed together.

14 RA: She pretty cool? Tell me about Holly.

15 JY: She was cool. She was just uh I didn't really like her. I liked her, I liked her friend
16 you know so and her friend had a boyfriend so I, I probably just uh, I had a couple
17 of girlfriends and you know and she was one of them. We hung out and then uh, I
18 got into some trouble in Lynwood uh, right after I turned eighteen uh, I'd buy these
19 pills through the magazines. Replicas of uh, cross tops, not cross tops but black
20 beauties.

21 RA: Ok, yeah, yeah. ~~OH YEAH~~

22 JY: I'd buy em you know. . .

23 RA: Like in the back of High Times Magazine and . . .

24 JY: Yeah, I'd buy you know a thousand of em at a time and would sell them at school
25 for a real good deal, for a dollar a piece and you know uh I was supposed to come
26 out to uh, Texas and uh, I was planning on joining the service and I was running
27 around Lynwood uh, with a friend of mine he didn't have any weed and I didn't
28 ~~XXXXXX~~

ANSWER CHANGED
FROM "ALL DAY"
TO YEAH (INAUDIBLE)

R.68:7

To
3 min
18 sec

27 sec

MISPLACED
113

MISPLACED
113

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

MSB
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have any weed and we weren't really into these fricking pills so we started asking people about selling em at the park and uh, uh, some undercover detectives came up and hammered us for it you know and uh, we did like uh, we turned some people in.

RA: Uh-huh.

~~word~~
CHANGED FROM
LIQUID TO (INAUDIBLE)

JY: Cause I had known some people that were selling uh, PCP with (inaudible) they released me and um, uh when they released me I went straight to Texas and joined the military. ~~01.13.02~~

RA: Who did you know in Texas?

JY: My brother he was in the Army by then, my older brother.

RA: And what's his name?

JY: George. I have, I have four brothers, three brothers, one older and two younger. George is older.

RA: How old is George?

JY: Um...47 he's about 48 now.

RA: I'm gonna ask you this question, do all of your brothers have the same last name?

JY: Yeah.

RA: Ok.

JY: They have different fathers but you know they all have the same last name. My dad. . .

RA: Ok.

JY: met my mom and she was all ready pregnant, she was sixteen, he married her anyway. She's from deep South Mississippi and uh, my dad explains it as uh, a shotgun wedding. My mom explains it as you know he fell in love with me and swept me off my feet kind of deal you know then I was born and then my mom got heavy into drugs and. . . .

RA: This is Joe, John. . . .

R70:2
TB
29500
V

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Joe, yeah George. . . .
2 RA: George.
3 JY: John.
4 RA: John.
5 JY: Kenny.
6 RA: Kenny.
7 JY: And then uh. . . .
8 RA: How olds Kenny?
9 JY: Forty-four.
10 RA: Forty-four.
11 JY: Yeah.
12 RA: And
13 JY: Brian.
14 RA: Brian.
15 JY: I mean he's I guess he's thirty-nine right now, thirty-eight. Four or six years
16 difference between uh those two. ~~Oh my god~~
17 RA: Do they all live in California or are they kind of like spread out throughout the
18 United States?
19 JY: Yeah, they live in California.
20 RA: Where does. . . .
21 JY: By brother Kenny lives in uh, Aliso Viejo. My brother Brian lives in Huntington
22 Beach and my brother George lives in uh, Bakersfield.
23 RA: So anyways you go back to Texas and you end up joining the Army.
24 JY: I joined the Army. I went in.
25 RA: How old were you?
26 JY: I was eighteen and uh, when I joined the service my brother he went in as a Nike
27 Hercules Missile crewman. Nuclear missile seems like a descent enough
28

18 SEC
/ MIN



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 challenging enough basically it wasn't about to quality of the job I wanted
2 something to mentally challenge me I guess.
3 RA: It sure sounds good huh?
4 JY: And uh, they trained me for it and went through basic training and I went my Al-
5 Key (sp?). They trained me to be a Nike Hercules Missile crewman and then uh,
6 this is hey your job's being phased out we don't no longer need you. The military
7 only guaranteed you the training. You have your training and now you're going to,
8 they gave me a couple of jobs to choose from and I chose another missile job.
9 Which was a Chaparral crewman missile. Which is surface to air uh, support.
10 RA: So you shoot down planes or missiles with that, with that missile?
11 JY: Yeah, it was a, yeah that's what we did.
12 RA: Sounds pretty cool did it cross over or was it an easy, easier school?
13 JY: Yeah, it was a much easier school.
14 RA: Was that because you'd had the previous training and you could relate it or...
15 JY: It just wasn't as technical you know nuclear missiles is pretty technical. I got a
16 secret clearance it's declassified by now I'm sure. Not after all the trouble I know,
17 know you guys ran my record I'm, I been in a lot of trouble and one of its drug
18 related. ~~01-40-23~~
19 RA: uh-huh.
20 JY: And uh I'm not anywhere near that I don't you know I don't live that life anymore.
21 RA: Yeah, but the military was able to look past that to give you a... fresh start.
22 JY: I didn't have any of that. I didn't have any of that before I got in there. The only
23 criminal record I had had when I got into the military was that thing in South Gate
24 with the pills.
25 RA: Alright.
26 JY: They weren't real but you know it didn't matter I'm still trying to sell them.
27 RA: Right, right, uh-huh.

28

P.72.16

To

55 SEC

1 MIN

11 SEC

↓

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

73:18

To

25EC

1/min



minutes

1 JY: Yeah, I don't know whether they let me go accidentally because I think that's what
2 had happened because uh, when I had gotten out of the military and the things up
3 there didn't pan out as a matter of fact right after me and my wife had come down
4 here and things just didn't work out and I moved in with my mom. I got into trouble
5 for breaking and entering and uh when I was in the courtroom they brought
6 (inaudible) you know and uh, February of 2 in 1982 there was a drug trafficking
7 charge, what happened to that and . . . ~~014725~~

8 RA: It was kind of swept under the carpet from what you'd . . .

9 JY: Yeah.

10 RA: The way that you described it to us.

11 JY: Yeah it's what I

12 RA: That's what you thought.

13 JY: Well, that's what I thought at the time that it was being swept under the carpet
14 because of what we were doing but then when they brought it up you know six or
15 eight years later.

16 RA: Right.

17 JY: It was like a mistake had happened and the doors had just you know and when
18 the jailer pulled me out to transfer me and another jailer came in and he goes you
19 ready to go and opened the door so. . . .

20 RA: Right, so there's a record of if somewhere and obviously somebody found it. So

21 you go you finish your schooling in the Army how long, how long were you in
22 school from or let me ask you this when did you join the Army?

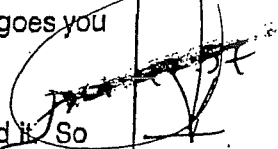
23 JY: In February of 82.

24 RA: February of 1982. And then how long were you in basic training your school
25 training? (overlapping conversation)

26 JY: Total of about, total of about six months.

27 RA: For basic training?

27 SEC



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Basic training and the two job, job trainings.
2 RA: Ok, so both of them all together lumped up was six months worth?
3 JY: Uh-huh.
4 RA: Ok.
5 JY: And then I stationed in uh, Fort Bliss, Texas, uh, and I worked there for probably
6 eight months and then uh, I got orders to go to Europe and we'd planned
7 everything with the wife and everything you know.
8 RA: Uh-huh.
9 JY: You get ready to go and I set it up you know and I, I went over there I did a
10 reforger tour and then uh, I called the uh, uh, naval base down here to set up for
11 her to get her uh. . . .
12 RA: Passport.
13 JY: Passport photo's and all that and they even went to the house where she was at
14 to pick her up and she just wasn't there.
15 RA: So, while you're stationed at Fort Bliss working she's in California?
16 JY: No, she was there with me.
17 RA: She was with you?
18 JY: Yeah, and they transferred me to Europe. She moved to California or moved back
19 to California with her mom.
20 RA: So you transferred to Europe somewhere around April of 1983?
21 JY: Something like that.
22 RA: Something like that. And when you went over were you supposed to go over and
23 look for housing and get everything set up?
24 JY: I did, I went over there I got housing I got all my training I got everything that we
25 were required to move her
26 RA: Uh-huh.
27 JY: off post. . .

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Right, right.
- 2 JY: with me and made the, I tried to make the arrangements to move her over there
- 3 and uh, she just never responded.
- 4 RA: Did you guys have kids now?
- 5 JY: Uh, yeah the, my transfer to Europe was delayed because of my son. I was
- 6 supposed to be like ~~in Europe~~
- 7 RA: When, when was your son born?
- 8 JY: Uh, August, August 22 of 1983. Ok, and I was supposed to be in Europe in
- 9 August 15th or something like that or August 20, it was like right in that same day.
- 10 RA: Right, right around that same time frame.
- 11 JY: Yeah.
- 12 RA: So your son was born how much time did they give you to kind of hang out with
- 13 your wife and cause it's different now than what they, the way they did it back
- 14 then.
- 15 JY: Uh, they gave me a uh, two weeks.
- 16 RA: That's it? So you had two weeks to get acquainted with the baby, get her on her
- 17 own and get to your duty-station.
- 18 JY: Correct.
- 19 RA: Yeah, that kinda sucks.
- 20 JY: Yeah.
- 21 RA: Two weeks isn't very much time. ~~in Europe~~
- 22 JY: No.
- 23 RA: Especially if you in the military.
- 24 JY: Yeah.
- 25 RA: So, somewhere around the end of August, September of 1983 right roughly
- 26 sometime in September of 1983 you go overseas?
- 27 JY: Correct.

28

P. 74. 25

T

2 MIN
13 SEC

52 SEC

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: To Germany?
2 JY: Correct and I think I stayed there.
3 RA: Where in Germany? Where was the first place?
4 JY: Uh, I was in first I went to Frankfurt to do my uh, my processing and they teach
5 you the German culture, the German languages stuff so that you can live there
6 and then uh, and then I went to uh, Budingen that's what its called you know?
7 GM: What was that?
8 RA: Is that a base or a town?
9 JY: It's a town with a base in it. Uh. . . .
10 RA: Ok, so Frankfurt's like a big area?
11 JY: I think, I think Texas was Charlie 3-1, Third Battalion, First Air Defense Artillery
12 and Germany was yeah it was it was 4-1 it was the spearhead unit uh, it was 4th
13 Battalion, First Air Defense Artillery.
14 RA: Wuh, that's a mouth full.
15 JY: Yeah, it's a cool job.
16 RA: So Frankfurt is that like a major city?
17 JY: Yeah.
18 RA: So it's a big city and then Buding (sp?) is like. . . .
19 JY: Budingen.
20 RA: Budingen.
21 JY: Yeah.
22 RA: That's like a smaller Post or a smaller base or whatever you wanna call it a
23 smaller post. And so how long were you in Budingen? ~~61-62-30~~
24 JY: I think I was a total over there about nine months I'm not really sure I did uh,
25 reforger tour, which is like thirty days and then I did two field tours uh, sixty days
26 training..
27 RA: Uh-huh.

1 min
27 sec



28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Or was it four months, five months and then I got my house off post and got the
2 car and got the furniture got all the everything arranged for her to move for me to
3 get permission for her move.
4 RA: Right.
5 JY: And then uh, try making arrangements and I spent I think it was totally about nine
6 months cause uh, after I had gotten in touch with her and she was supposed to go
7 she agreed she was gonna everything was supposed to work you know and it
8 didn't. Uh, at the last minute and she just wasn't available. ~~070519~~
9 RA: Right.
10 JY: The MP's from the naval base went to her house to pick her up you know so that
11 she could get her passport and she just wasn't there. They went there a couple of
12 times.
13 RA: Wow! That must have been a pretty big stressor for you?
14 JY: Yeah, kind of a heartbreak.
15 RA: Especially when you're, I don't know how many miles that is three thousand it's
16 probably more than that.
17 JY: It wouldn't of mattered if it was five miles you know either you go or you don't go.
18 RA: Yeah, so how did you like Germany?
19 JY: I thought it was great. I should have stayed.
20 RA: Would you go back again?
21 JY: I would. My wife now is a German decedent so
22 RA: Does she speak German?
23 JY: Yeah.
24 RA: How about you?
25 JY: Not much anymore.
26 RA: Just curse words and drinking words?
27 JY: Enough to get a beer I don't even know the curse words.

475E

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Yeah, that's one of the places I always wanted to go. See I never I wasn't lucky
2 like you I never got to go to the cool places.

3 JY: It was cool.

4 RA: I wanted to go to like uh, all of the northern European countries um, you know I
5 plan I wanted to go to Spain and Italy. I did go to Spain but um, I didn't get to go
6 like you did and actually live there for months on end.

7 JY: It's cool you could travel from one side of Germany to the other.

8 RA: Well they have the rail system there too.

9 JY: Almost nothing flat on a rail you know? Went and seen Amsterdam and a couple
10 of other places while I was there.

11 RA: Now that's pretty wild huh?

12 JY: Ok, and uh, things weren't working out with her coming home and you know and
13 I'd gotten into trouble a couple of times, uh

14 RA: In the military?

15 JY: Yeah, you know just

16 RA: What did you get in trouble for?

17 JY: Uh, I had wrecked a, my car and uh, they got me for drunk driving but I didn't.
18 When I was working uh, I had a twenty-four hour duty, guard duty.

19 RA: Right.

20 JY: Uh, for the barracks and like twelve o'clock one night somebody called from a club
21 saying their ride had left them there so I went to go pick them up and um, I picked
22 them up and we were on our way back to post and I was coming off a mountain
23 and hit some black ice and went through an intersection and wrecked my BMW
24 stone cold sober and went, I left the we uh, cell phones nothing like that uh, some
25 German uh nationals drove by and gave us a ride back to post and uh, I was just
26 kind of bummed so I had them stop at a, a guest house which is like a little tavern
27 so that I could get a couple of beers on the way back. ~~_____~~

2 MAIN
35 SEC.



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

13 min

1 RA: Uh-huh.

2 JY: So when I got back to post I went in and told the MP's that uh, I had wrecked my
3 car and they go, "well were you drinking?" I'm like no. Well you smell like alcohol.
4 I'm like well the German nationals I knew they were gonna say something are
5 sitting right out in post here and they're gonna verify that they you know dropped
6 me off at a liquor and I drank but I drank while I was anyways I ended up getting
7 busted for uh, drunk driving, really driving under the influence and uh, drinking
8 while on duty so they put me on forty-five days of restriction and you know. . . .

9 RA: You busted down a rank?

10 JY: Yeah.

11 RA: A, a pay grade I mean?

12 JY: Yeah.

13 RA: That sounds like a, sounds like the drunk driving laws are a little bit different.

14 JY: Yeah.

15 RA: That was the military that popped you or the, the German police? (overlapping
16 conversation)

17 JY: Yeah, yeah the military.

18 RA: Oh.

19 JY: It wasn't that big a deal but then by that time I had lost my interest I'm like well
20 where's my wife, where's my kid you know I don't really wanna be here anymore.

21 These guys are -- they asked me if I wanted to go home I said yeah. ~~Oh yeah.~~

22 RA: Sounds like they're screwing you over basically.

23 JY: Well I just wasn't following the rules man you know and uh, I was, I was a, a really
24 good soldier you know and then they saw you know night and day and they go
25 what's wrong and I told them well what do you wanna do? Well I wanna go home.
26 So, what are you gonna do when you get home? I said I'll work in construction.

27 RA: So, what happened then they just let you go? ~~Oh yeah.~~

28

1 min
10 sec.



28 sec



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah. I got out with a general discharge and uh. . . .

2 RA: When was that?

3 JY: My God we were working on the time there before probably 85, 84, 85 I'm not sure
4 something like that. I called my dad before I had uh, made the decision to come
5 home. He says yeah, come on home I got work for you and then uh, I went ahead
6 and began procedures of getting out and I got out and I got home and he like
7 sorry there's not enough work for you, you know.

8 RA: The economy sucks and I don't have any right.

9 JY: I think a lot of it was just the fears and my behavior from being younger you know?
10 And uh, and probably to that there wasn't enough work for him and uh. . . .

11 RA: So did you come you leave Germany did you discharge in Germany and get flown
12 to the states or

13 JY: Uh, no they fly you to the states and you discharge in uh, I think at Fort Bragg,
14 North Carolina, South Carolina something like that .

15 RA: And then what then they just fly you home?

16 JY: Yeah, and from there you get, if you got money fly if you don't you get a bus.

17 RA: Wow! Just like that huh?

18 JY: Yeah.

19 RA: I didn't know that they would just let you out like that.

20 JY: Again, I was a good soldier and it was just a problem with me being there uh....
21 with things that were going on. (overlapping conversation)

22 RA: Real hardship on your, on your family.

23 JY: Well I mean I, I didn't mind being punished I just uh, once I stepped out of my
24 normalcy, my normal behavior, my normal actions as a you know I wanted to be
25 the poster soldier and, and then uh, getting hammered for this drunk driving you
26 know and then my wife is she is uh, just kind of ruined me.

27 RA: Sure.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: And then I didn't wanna be a soldier no more.
2 RA: Sounds like you had a lot of fun in the beginning and you really enjoyed it.
3 JY: Yeah, it was cool.
4 RA: Did your brother retire from the military?
5 JY: No, he got out. He got kicked out or something.
6 RA: Yeah, just think though you're old enough now that if you'd a stayed in there for
7 the full twenty or twenty-five. . . (overlapping conversation)
8 JY: I think I'd been retired.
9 RA: You'd be retired onto your new career. Probably would have been nice having that
10 retirement coming in huh?
11 JY: Life's good right now.
12 RA: Good, good so you discharged from the military sometime around 1984 or 1985.
13 JY: Correct.
14 RA: and you relocate back to directly back to Lucerne or just hang out with your mom.
15 JY: No, I came, I came in and moved directly back in with uh, my mother-in-law.
16 RA: And her name was?
17 JY: Linda, Linda Mitchell. (overlapping conversation)
18 RA: Linda Mitchell, ok, and she lived in Lynwood on Abbott.
19 JY: Correct.
20 RA: Ok.
21 JY: And then um. . . .
22 RA: Was
23 JY: Me and my wife were working things out.
24 RA: Was your wife living there too? ~~02:00:00~~
25 JY: Yeah.
26 RA: So, Holly's living there with the baby?
27 JY: Correct.

P.80:27

T_D

31SEC

2min

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P. 82:21

10

1 MIN
41 SEC

1 JY: I think I did a total of two years uh, almost three total years.

2 RA: Active duty?

3 JY: Yeah.

4 RA: Did you have to, did you have to do any inactive reserve or active reserve or you

5 just, the contracts done?

6 JY: It wasn't a contract then it was a they had made an arrangement that I was getting

7 into trouble and uh, uh, they just said ok so we're gonna do this. We're gonna

8 discharge you, get you a general discharge you can't come back in and we won't

9 let you back in that was our arrangement. ~~that's all~~

10 RA: So you guys basically came to an understanding right?

11 JY: Correct.

12 RA: You're in trouble and they said ok here's the deal. This is your punishment and as

13 a result we'll give you a general as opposed to a dishonorable

14 JY: No, I did my punishment and, and uh, one of the officers asked me what's wrong

15 with you, you said your not the same guy and I just told him I says this is a

16 different a, I don't wanna be a soldier anymore.

17 RA: Alright, I can understand that.

18 JY: I just want my life with my kids and I told him and then he told his superior and

19 they told their superior and somehow I ended up in a the Colonel's office

20 discussing my military career and what do you wanna do. I'm tired I don't wanna.

21 .. ~~John Slams~~

22 RA: John it must have been tough because uh, I was, I was never married when I was

23 in the military but uh, when I was in the Navy but uh, being gone for away from

24 people that I knew for six months, nine months at a time that's tough. It sucks I

25 know what you went through.

26 JY: I'm trying to figure out why my whole life story is pertinent to what's going on here.

27 I'm just like I wanna help you but (overlapping conversation) ~~02:32:50~~

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1 MIN
3 SEC

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Eight dollars an hour though you figure it's not very much even though I was gone
2 from sunup to sundown. Only working maybe eight or nine hours out the day the
3 rest of it you're commuting back and forth.

4 RA: Plus you had to pay for gas.

5 JY: Well I just drove to town rode with my dad.

6 RA: Oh, that's pretty cool.

7 JY: Yeah.

8 RA: Get a ride from him.

9 JY: Yeah, and we lived there maybe nine months.

10 RA: At Rita's?

11 JY: Yeah, and uh, this house had come up there was one of the guys I went to school
12 with lived on that same road I can't, I can't remember the name of the road but he
13 lived on the road said there was a house available that his brother had just moved
14 out. . . .

15 RA: Uh-huh.

16 JY: and would I be interested in renting it and I'm just like well yeah. You know I went
17 and looked at it and they had a number and I called the owner and talked to him
18 and he goes well you see the condition it's in. It was like unlivable. I mean it had
19 a water tank and all the rooms were there but it was like no there was a bathtub
20 but there was no toilet you know and there was a vanity but no sink, um, kitchen,
21 um had the cabinets but no sink, there was no flooring in there and. . . .

22 RA: Oh, so this thing was an overhauler. ~~02-02-10~~

23 JY: Yeah, he goes will you give me a hundred dollars a month and we go yeah, sure
24 you know and then uh, uh, I fixed the place up and uh after six months or so he
25 came out to visit you know, wanted to meet me, and he couldn't even he couldn't
26 recognize his house.

27 RA: Must have been impressed then huh?

28

1 MIN
13 SEC



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Oh yeah, I would think so. You know I did a front porch on there and new roof
2 and you know redid the inside and
3 RA: What month do you think or what year and month do you think you moved into
4 that place?
5 JY: 85-86 I mean uh. . . .
6 GM: Had your second one been born yet?
7 JY: Well, 83-85, uh. . . .
8 RA: Well when was, when was Jasmine born?
9 JY: Um, September 30, 1985.
10 RA: Ok, ok so we'll go back.
11 JY: Ok, so when she was born just uh, about a year before we moved out of that
12 place. I'm just guessing. (overlapping conversation)
13 RA: Ok, how long do you think you lived in there before Jasmine was born? I mean in
14 that place on the dirt road that you fixed up?
15 JY: Probably about, probably about five months.
16 RA: You lived there about five months and that was September so we're looking at
17 somewhere around April of 1985, somewhere around there.
18 JY: Um, could be.
19 RA: Could be, ok.
20 GM: I'm sorry I wanna make sure I got that right Jasmine was already born when you
21 were living at the second rental?
22 JY: No, she had just been born in that second, second rental up there in Lucerne.
23 GM: And you had been in the second rental how long when she was born?
24 JY: Probably about five or six months.
25 GM: Ok.
26 RA: So, yeah so if that I mean if that's the case then you'd have moved in you would
27 have moved out Rita's rental somewhere around April and moved into that rental

2 min
1 sec

~~CONFIDENTIAL~~

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 on the dirt road somewhere around April of 1985. Five months later now it's

2 September 30, 1985 Jasmines born, correct? ~~09-30-85~~

3 JY: Something like that.

4 RA: Ok.

5 JY: Ok, and go ahead.

6 RA: No, go ahead.

7 JY: Um, we lived there for say probably about a year and a half old.

8 RA: Who's we?

9 JY: Me and Jasmine and J.J. and Holly their mom.

10 RA: Ok, well let's, let's back up to when you were living in the rental at Rita's house
11 cause we kind of skipped over that whole thing real, real quick and I just wanna
12 make sure I got it right. So, you lived at your dad's house maybe six months while
13 you're helping him and doing doors and windows and framing or whatever it was
14 that you did. (overlapping conversation)

15 JY: No it was just doors.

16 RA: Just doors? Just hung doors? So, you're living with your dad you're back together
17 with Holly, right, and J.J. and then you move into Rita's?

18 JY: Uh-huh.

19 RA: Ok, and you lived at Rita's for six months, eight months?

20 JY: ~~Something like that~~
~~09-30-85~~

21 RA: Ok, um, when you lived at Rita's did you guys ever socialize with Rita?

22 JY: Sir, we never really socialized. I mean I had spoke with the lady.

23 RA: Uh-huh.

24 JY: You know a few times and uh, I just never really, just kicked it or partied or we
25 may have drank a beer you know.

26 RA: Sure.

27

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19 SEC

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1 MIN

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Uh, when she had a, God I'm trying to remember all of this uh. I went down there
2 to pay rent or something like that one time and she had some friends over and
3 introduced me to them and I don't even think I finished drinking the beer so . .

4 RA: Tell me a little bit about Rita.

5 JY: She's just a really nice lady. Very, very proper very polite and maybe she drank
6 I'm not really sure I (inaudible).

7 RA: Uh-huh. When you um, lived there in that rental, Rita's rental cause I know we
8 kinda skipped over when you lived in that you guys were talking I will just throw the
9 name of the peoples faces out there, um, when you lived at the rental, Rita's
10 rental, um, who did she socialize with? Who did she hang out with? Tell me
11 about Rita?

12 JY: It was just uh, a couple of ladies that were in there and I had that one moment
13 when I'd said that I had come up and she had like invited to drink a beer and then
14 uh. . . .

15 RA: Did you recognize those pictures that I showed you? Were any of those ladies . . .

16 JY: No it doesn't bring back any. . .

17 RA: Ok.

18 JY: Anything but uh, that gentleman that I was speaking about, the Leftwich's I think
19 there's five brothers or six brothers or something like that.

20 RA: You said David right? David Leftwich.

21 JY: Dave, David he's the one that was in the front yard.

22 RA: Ok.

23 JY: But uh, she was like trying to get him to leave and he wouldn't leave.

24 RA: Is that the same day or we talking about different days?

25 JY: Oh, it was a different day.

26 RA: Ok.

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: And, and he was drunk he was, he was pretty drunk. And then I don't remember
2 how he left I wasn't I told him to leave, I don't know uh

3 RA: So you didn't have to wrestle with him in the front yard or . . .

4 JY: I just told him, dude you gotta leave, you gotta split she doesn't want you here.
5 And he left.

6 RA: Had you ever seen Leftwich or David Leftwich at the house before?

7 JY: Uh, yeah I have seen him up there with her before but I, uh

8 RA: Was he her boyfriend or just you don't know what the relationship was? Ok, was
9 there any other guys coming around visiting or socializing with Rita?

10 JY: I, I just I'd heard you know through other people that she was messing around with
11 one of the other Leftwich's and I heard that from an ex-girlfriend of mine who was
12 up there. Her mom was dating the guy, one of the Leftwich's and then the and
13 she was telling me that uh, he used to talk shit you know everybody talks shit but
14 you know. . . .

15 RA: It's a small, it's a small community.

16 JY: Yeah, you know I mean uh, I don't even know how it came up uh, something
17 happened oh, you used to live up there, apartment or something like that or you,
18 they said I'd lived with her or something and it's like no I rented a, a house from
19 her and then she goes oh well my, my boyfriend used to date her and he
20 remembers seeing you there and I was like ok whatever you know.

21 RA: Uh-huh.

22 JY: So I wasn't really that important you know uh, that's how I found out that she was
23 dating one of the other's and I know it wasn't David that uh, this gal was uh,
24 seeing at the time. Well it had to been another Leftwich.

25 RA: How far away from Rita's house that she was living in the main residence was the
26 studio apartment? I mean how much?

27

28

P.88:20

TB

YMINW
1SEC.



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: From here to the parking lot I mean it wasn't even that it was here to the front door
2 of the station.
3 RA: We're just talking. . . .
4 JY: Twenty feet.
5 RA: A few feet? Ok, how about friends that would come over and visit her, who did
6 she socialize with?
7 JY: There was always cars there but I don't know who was there.
8 RA: What kind of cars do you remember? ANSWER CHANGED
9 JY: ~~(Inaudible)~~ FROM NO TO (INAUDIBLE)
10 RA: No? But you owned a cream colored, Ford, Ranger? (overlapping conversation)
11 JY: Yeah, it was a tan, Toyota.
12 RA: Toyota? Toyota what? Like SR5 or
13 JY: Yeah, it might have been a SR5?
14 RA: Cause I think that was the popular model back then. CHANGED FROM
15 JY: ~~(Inaudible) I DON'T KNOW TO~~ I DON'T KNOW TO (INAUDIBLE)
16 RA: Ok, so you owned a Toyota truck? Standard? King cab?
17 JY: It, it's just a regular cab.
18 RA: Regular cab: Long bed? Short bed?
19 JY: It's just six or eight foot bed I think.
20 RA: Was it uh, like uh, uh, 4-wheel drives were pretty popular back then people would
21 jack em up like five feet off the ground, nothing like that just a regular stock truck.
22 Ok, and it was yours?
23 JY: No, my dad co-signed the uh, it was mine.
24 RA: Well he's trying to help you out a little bit. And then you also owned a dark blue
25 Pinto.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Correct, I bought a dark blue Pinto from a guy out of Apple Valley or I think it was
2 Apple Valley. My wife was staying at home you know she cause I was gone all the
3 time.

4 RA: Uh-huh.

5 JY: By that time uh, me and my dad were working six or seven days a week all year
6 you know and you figure twelve, fourteen hours a day gonna be gone it's like I
7 need to get to the store get you know groceries or never mind that she never
8 cooked you know she may need to take the kids to town for an emergency, never
9 mind that she didn't take care of the kids you know but uh. . . . ~~02:15:00~~

10 RA: But she needed transportation is what you're saying?

11 JY: All it was is just you know something to try and influence her hey why don't you
12 clean the house, why don't you take care of the kids, why don't you cook some
13 groceries you know and uh, she just never learned how to drive.

14 RA: So you were being, so you were bribing it was a bribe to get her to be what you
15 wanted her to be as a mother and a wife? What, what was your normal schedule
16 back then when you would be working? What time did you guys, what time did
17 you get up and leave?

18 JY: Um, I usually got I think I got up like 5 o'clock at my house, my dad's house by 6
19 or 6:30.

20 RA: Uh-huh.

21 JY: And we'd jump on the road and or load tools up and head to wherever our
22 destination was you know.

23 RA: Uh-huh.

24 JY: Worked again in San Bernardino or um, I think we even did a job in Colton, um,
25 Needles was uh, kinda we went there and stayed all week.

26 RA: Yeah, I was gonna say that's. . . . (overlapping conversation)

27

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P. 90:20

To

2 MIN
33 SEC



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 min
3 SEC

1 JY: We went to Barstow, um, Apple we went all over the place. We knew where we
2 were gonna be. ~~6:10-6:30~~

3 RA: So, wherever in Southern California you had to go that the job site was you guys
4 went?

5 JY: Yeah.

6 RA: And generally you'd come back at night. What time would you normally get back?
7 around about?

8 JY: Probably about six or seven at night.

9 RA: So you got about, about a twelve-hour workday?

10 JY: Yeah.

11 RA: All right, with travel?

12 JY: Yeah.

13 RA: and then you'd get home about six o'clock what did, what kind of things did you
14 and Holly do?

15 JY: I just you know go through the house and do the cooking and cleaning and she
16 was. . . .

17 RA: That she didn't do during the day?

18 JY: Correct yeah, and spend time uh, and play with the kids.

19 RA: Right.

20 JY: Go grocery shopping and the things we needed to do.

21 RA: Sounds like it was probably pretty, pretty tough for you actually because you go
22 out and you work all day but then you come home and it's almost like you have to
23 start working again. ~~6:10-6:30~~

24 JY: I was young I guess is, it's the normal.

25 RA: Young, had a lot of energy.

26 JY: Yeah and then uh, not I guess about six months before we moved, I moved back
27 down to the city we were having problems we had uh, start getting meth you buy a
28

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~~1:10~~
53 SEC

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27 SEC

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MISSING IN 113

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 whole packet and it would last me all week you know and she found it in my
2 pocket, uh

3 RA: She being Holly?

4 JY: Yeah, and then wanting to get high on it and

5 RA: Did she like it? Did she know what it was?

6 JY: Oh, shit she, yeah it was a bad thing.

7 RA: That was candy for her, huh?

8 JY: Yeah, yeah, and then my dad said it was affecting my personality on the job and
9 that uh, uh, the customers weren't appreciating my, my rugged persona you know
10 that I had created and uh, said that I needed to get into recovery and I told him so
11 I went home and I told her says, "hey look I'm not gonna get high no more." I'm
12 not bringing no more pot. I mean no more meth home and um she said that she
13 was going to uh, sell her ass for it. And my response was what you're gonna do is
14 what you're gonna have to do.

15 RA: She was gonna do what?

16 JY: Sell her ass for it. ~~she sold it~~

17 RA: Ok, I got you. I got you.

18 JY: Ok.

19 RA: So she's saying she's gonna prostitute herself to get the dope.

20 JY: Yeah, and then so and then so you know I guess that she uh, you know I came
21 home one day and the note on the door says that she wasn't there that the kids
22 were at the babysitters. So I went to pick up the kids and, and then I contacted her
23 mom said I don't know where she's at, she came up there and we looked around
24 for her I finally found her and then she moved down to the city with her mom and I
25 kind of followed right along.

26 RA: Uh-huh.

27 JY: And uh, once we got out of that atmosphere everything was kinda cool.

↑
1 MIN
0 SEC

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: (Inaudible) did it change your personality John? Now that you reflect, knowing
2 what you know?
3 JY: I'm sure it did, yeah.
4 RA: Well what do you think?
5 JY: Uh, I didn't sleep dude you know stay up thirty days at a time.
6 RA: How many?
7 JY: Thirty.
8 RA: Three-zero, thirty?
9 JY: Thirty days, yeah.
10 RA: Wow!
11 JY: Stay up for three, thirty days at a time, sleep for three days, do it all over again.
12 RA: How much speed were you doing back then, just for you?
13 JY: Um, I don't know probably uh, a sixteenth a week.
14 RA: A sixteenth of an ounce?
15 JY: Yeah, I guess they call them "teeners"
16 RA: Uh, now was that between you and Holly or just you by yourself?
17 JY: Between me and Holly you know it was just you know it's made our relationship a
18 little bit you know she just needed to get it out of her system. ~~_____~~
19 RA: Oh yeah.
20 JY: Come back down here with her mom and she did. And you know and I moved
21 down here with them and then uh, uh, you know my brother had run around telling
22 all these people that I was a snitch and uh, uh, one of the guys I had what made
23 us move from up there is one of the guys that I was buying my, my meth from told
24 me he says, "hey somebody says you're a snitch," and I'm just like, "I'm not a
25 snitch." He goes, "well people are out to shoot you, you might wanna move."
26 RA: And that kinda, kinda helped you make your decision to get out of town.

↑
1 min
30 sec.
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MISSING FROM 113

MISSIVE 113 VERSION

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 min
2 SEC

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JY: Yeah, sorta out of here. That's what we moved away for and then uh, um, I think when we were, were gone and uh went up to go see my dad for some reason or another and uh, that's when he had told me about the incident of Rita you know?

RA: Uh-huh.

JY: So....

RA: Ok, so you move over to the house over here you stayed in Rita's house for eight, nine months then you move over to the house where you were doing basically the work, right? Paying a hundred bucks a month or so doing all the work. I'm gonna assume that the guys paying the supplies for everything?

JY: No, I, I took care of everything.

RA: And then you have another baby here.

JY: Uh-huh.

RA: And that would be Jasmine?

JY: Yeah.

RA: You stayed here for I think this be a year and a half, maybe

JY: Yeah.

RA: Then you move back down to end up moving back down to Lynwood. You stayed with uh, your mother-in-law. How long after you moved did you and Holly split?

JY: How long after we moved here or after we moved back down here?

RA: After you moved down to Lynwood? (overlapping conversation)

JY: Um, probably about three months, two months. Cause then at point I guess she was going she was still getting high while I was at work you know and we were living in a trailer in the backyard and I was working during the day and mowing lawns at night trying to get the funds together so we get our own place and get out of her mom's and the whole time I was married to her she had you know like you don't love me and you think I'm fat, dud-ah, dud-ah, dud-ah, you know why don't you just leave and I had from the most part just you know just blew it off she's

1 min
32 SEC

~~CONFIDENTIAL~~

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 angry she's that kind of a girl you know all ready physical. I mean she, she
2 wouldn't beat on me but she would run and she'd beat herself up literally.

3 RA: Uh-hum.

4 JY: You know beat herself literally. And she told me one day when I was coming
5 home I was loading up my construction tools I was loading up my garden tools
6 and then uh, I told my son J.J. well go get your jacket and you can come with me.
7 And uh, when he went in to get the jacket she had convinced him that she was
8 gonna take him to the park and uh, he came out he goes mommy's taking me to
9 the park. I'm like (inaudible) you know you're not gonna take him. If you wanna be
10 mean that's fine but be mean to me not the kids. ~~So fuck you go do your yard~~
11 work and when you get done fucking just keep going so I did. But she called me
12 about a, a week later and said that uh, you just abandoned us and I never just
13 abandoned them you know? She got her own place uh, shortly there after and uh,
14 as I was paying rent and giving her. . . . ~~XXXXXXXXXX~~

CHANGED FROM
SHE SAID TO
"SO"

1 MIN
13 SEC

15 RA: What year did you divorce her? Remember?

16 JY: No, I don't even remember. I filed some paperwork and shot it to Texas.

17 RA: Were you married in Texas?

18 JY: Yes. (overlapping conversation)

19 RA: Or you had to file it with them?

20 JY: I got out of basic training and uh, my mom came across country and escorted me
21 into the justice of the peace and told me I'm gonna marry this girl.

22 RA: Because she was pregnant or because your mom liked her?

23 JY: I'm not truly sure.

24 RA: Something?

25 JY: Yeah, my mom said something you just do it you know so that's what I did.
26 (Inaudible).

27 RA: Then after Holly, you said you had another wife. What was her name again?

39 SEC

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Alicia. After me and Holly had split up. . . .

2 RA: Did you have a girlfriend after, after Holly?

3 JY: It was probably about six months before I even got out I'd just be madder than hell
4 you know?

5 RA: You probably swore women off huh?

6 JY: Uh, I just buried myself in the work you know I got a job down at the naval base
7 and started framing and um, making good money and I mean that's the whole. . .

8 RA: Do you have any idea what year that was that you and Holly split?

9 JY: Uh, (inaudible) probably like 88.

10 RA: 1988?

11 JY: Yeah, because uh, my son from my second wife, my oldest son is nineteen um,
12 10-2-89, God (inaudible) I don't even remember. (inaudible) might have been 88,
13 10-2-89, 10-2-89 it was 89.

14 RA: Oh, October 2, 1989. (overlapping conversation)

15 JY: That's when I met, 10-2 yeah it might have been the very beginning of 89.

16 RA: Uh-huh.

17 JY: Uh, the end of 88 as a matter of fact cause I had, I'd, I'd, even hang out with a girl
18 for a couple few months you know.

19 RA: Oh yeah

20 JY: We had split up and then I'd started I met this other girl and then we were hooked
21 up for about three months.

22 RA: Who was that what was her name?

23 JY: Alicia.

24 RA: Alicia.

25 JY: Yeah, Alicia Smith.

26 RA: Was that the same Alicia that- - you didn't date any other people between Holly
27 and Alicia?

28 Page 98 of 136

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: No.
2 RA: No? How long did you, how long did you see Alicia?
3 JY: I dated her for about eight years, somewhere around there. I keep saying eight but
4 the reality it was probably about seven.
5 RA: Uh-huh.
6 JY: You know after we'd been seeing each other for about probably two months or
7 three months she said she was pregnant and then uh, uh, we moved in together
8 and I filed a divorce with uh, Holly.
9 RA: Oh, ok so you were still married to Holly when you. . . .
10 JY: Yeah.
11 RA: Technically but you guys weren't together.
12 JY: No, no. (overlapping conversation)
13 RA: Ok, so, got it. (overlapping conversation)
14 JY: Yeah, filed for divorce in, in uh, sent it off to Texas. I never got a response back I
15 just uh. . . .
16 RA: Uh-huh.
17 JY: I didn't really live in the same place either so I don't know whether, what
18 happened.
19 RA: So now when you were with Alicia were you guys actually married or just dating?
20 JY: We just dated nobody got married.
21 RA: You had enough of the married stuff.
22 JY: Correct.
23 RA: Got it.
24 JY: And um. . . .
25 RA: Did you have kids together?
26 JY: Yeah, we had a, I had our first boy together uh, eleven months, twelve months
27 after we first met.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P. 97.2
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RA: So she delivered eleven months after or she conceived? (overlapping conversation)

JY: Yeah, she conceived about two or three months we first met and started dating and then uh, and then Joseph was born, 10-2-89, and then uh, 7-19-91, two years later uh, my son Kenneth was born and then um, a couple of years after that my daughter Breanna was born.

RA: Then that's all your kids then right?

JY: That's all of em.

RA: Right, so you're with Alicia was she pretty cool. Tell me about Alicia?

JY: Alicia was cool. Everything was, I mean we got strung out on, on meth again you know. I did. You know she again went along with the, back into the drug scene and uh, I uh, I went to prison for a stolen bicycle. I had gone to jail on and off for a long time for you know driving on a suspended license you know, possession of narcotics, under the influence. ~~01-17-09~~

RA: Uh-huh.

JY: some stupid stuff. But it all revolved around drugs.

RA: Is that most of your problems have been revolved around drugs?

JY: Yeah.

RA: Cause it seems like you're a hard working guy you know and the way that you're telling me and Greg is hey you know I work twelve, fourteen hours it seems like you always have a job when there's work available.

JY: Correct.

RA: Out mowing yards, framing, hanging doors.

JY: Yeah.

RA: You know working in machine shops seems like you're always employed so is that most of your problems were on drugs?

↑
3 MIN
2856.
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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, that was always the downfall of you know which party and the cliché. It was
2 never really the alcohol or the, the pot it was when the meth came into the picture
3 you know I went over a period of being under the influence of crack and

4 RA: Did that screw you up?

5 JY: Yeah, all the drugs did. They fuck your mind up.

6 RA: I guess that would be the one thing if you could do your whole life over make
7 some change huh?

8 JY: Yeah, that was my biggest uh, trial with the kids man is trying to make sure they
9 don't get high.

10 RA: And. . . .

11 JY: And when they did how do you deal with it you know I raised Kenneth, Breanna
12 and uh, Joseph in the meetings you know I was uh, I was a single parent for like
13 five years going to meetings, working trying to get my own business started and
14 you know just focusing and then uh, I had a relapse after ten years like I said
15 because of the Vicadin. I was good for about a month and then you know one
16 thing led to another so on a bad day bills weren't being made something you know
17 and uh, I take another one you know and well two felt really good and another
18 problem come up let's take, let's take four and by that time I'm sure my body
19 chemistry was being addicted to the Vicadin and when I didn't take four I started
20 getting sick and going through the withdrawals.

21 RA: And so how long were you hooked up on the Vicadin?

22 JY: Probably about six months. Six months I was pretty bad.

23 RA: How, how did you finally kick it?

24 JY: Um, I called Cider House and I was going to the meetings and stuff but I wasn't
25 your heart wasn't into it. I don't know if you guys go to church or anything like that
26 but my heart wasn't into the meetings anymore. There was a problem my life, my
27 wife was I'm with now was getting ready to split and you know she goes, do
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 something you know one night she didn't have to say any or else because I'm
2 watching and she's like making arrangements to move and.

3 RA: Uh-huh.

4 JY: You know and.

5 RA: So the Vicadin was after you met Melody?

6 JY: Uh-huh.

7 RA: Right, ok, so you're with Alicia for the eight years and then you guys split up.

8 JY: Uh.

9 RA: Why did you guys split-up?

10 JY: Um, I said I had, I'd went to prison for receiving stolen property. It was a bicycle
11 thing and I was just tired of getting caught with you know drugs or syringes or
12 whatever you know and the district attorney offered six months and my public
13 defender says plead innocent come back and we'll get your uh, sentence reduced
14 down you'll get time served and just like I'm tired I'm done you know and uh, I told
15 the little, public defender to just shut up and I asked the judge what an indicated
16 sentence was, he opened up my folder and he goes I'll give you sixteen months.
17 My mind goes sixteen months no drugs I'll take the deal you know? I went to
18 prison come out and uh, I was clean and uh.

19 RA: Where did you go to prison at?

20 JY: Folsom.

21 RA: Do you remember when you went? What year?

22 JY: 95, it had to be like 93. --

23 RA: How much time did you actually do?

24 JY: I did uh, eight, nine months.

25 RA: Nine months. So you did like eighty percent, eighty-five percent.

26 JY: Yeah, and uh.

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VERSION*

P.100:1

To

*3 MIN
42 SEC*

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28 SEC.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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113
Version*

1 RA: Now when you were doing, uh, when you were doing meth were you shooting up
2 or smoking what were you doing?

3 JY: I was shooting it.

4 RA: Shooting it. Why is that? Just. . . .

5 JY: Cause you know I got a better high.

6 RA: Does it last longer or. . . .

7 JY: I didn't start shooting until after the last the very end of it when I was up in the, up
8 in the desert just snorting it in a bowl?

9 RA: Is that cause you could make it go farther?

10 JY: No, we just didn't need it my body was new to it and never had any affects and I
11 only I slept every night there for awhile you know, you know and then it got out of
12 hand you know and. . . .

13 RA: Did you guys, you and Alicia split up when you, when you were in prison is that
14 what you're saying?

15 JY: Yeah, when I got home from prison she was already pregnant with another kid
16 and she had just had my third child, Breanna like three months before I got home.
17 So, when I got home I got Joseph and Kenneth and then Breanna that are my kids
18 and now she's pregnant with another baby and I just I went through all that
19 cheating shit with uh, Holly and it never panned out so I just didn't apply the efforts
20 to try and work it out with Alicia and even though I had nine months clean you
21 know I was thinking you know what if how about if we just smoked weed together
22 and when things could be the same way they used to and, and you know so I
23 smoked some weed and I think you know I got such a fucking addictive
24 personality then maybe I need to get into some recovery and somebody had been
25 inviting me to a substance abuse foundation down on Seventh Street here in Long
26 Beach and uh, you know I took up on their opportunity and they, I stayed there
27 sixty days and in that time I my body and everything my mind started getting

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: He wasn't a friend of yours was he?

2 JY: No.

3 RA: No.

4 JY: I had never even met him.

5 RA: When you guys, did you guys date outside of your relationship? With that I mean I
6 know I remem at the house I told you some people do that and uh, a lot of times
7 people do, do that. But you and Alicia never dated outside of the relationship?
8 Not that you knew of? —

9 JY: No.

10 RA: How about you? Did you date on her? Were you messing around on her?

11 JY: Uh-uh.

12 RA: No, were you messing around on Holly? No nothing like that? Ok, so about when
13 give me a, a approximate year and, and time frame that you split up with Alicia.
14 You'd say about 96?

15 JY: . Around 93.

16 RA: 93.

17 JY: Yeah, right when I got home from prison just wasn't working you know and I had, I
18 had no reason to be there, wasn't working (overlapping conversation)

19 RA: The relationship was over basically.

20 JY: Yeah, she was already in love with another guy. She was still getting high. I
21 couldn't get high. It just wasn't working.

22 RA: Cause you were clean now and you were staying away from that shit.

23 JY: Yeah

24 RA: That's good, that's good well I mean it must have been really rough for you but
25 that

26 JY: Can I go to the bathroom I mean I gotta like pee right now.

27 RA: Yeah, well let me find out where the bathrooms are. I have no problem with that.

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INTERVIEW WITH JOHN YABLONSKY

Two MINUTE
To "PEE"

2 MIN
25 SEC

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 (long silent pause)

2 RA: Do you have stomach problems or you just have to go pee?

3 JY: I just had to pee dude.

4 RA: Drink a lot of water or coffee?

5 JY: Yeah, well I drank a bunch of coffee this morning and then uh, I was saying I had
6 a big meal last night and normally first couple of hours in the morning I take a
7 dump.

8 RA: Right.

9 JY: And I woke up late this morning and my son just moved out and you know how
10 that I had a I don't know what I ate gave me bad gas.

11 RA: Well you know last night was the time change?

12 JY: Anyways and then uh, you know I like get ready go get a pack of cigarettes and
13 you guys pull up so I hadn't made my, my normal bowl movements for the day.

14 RA: Right, right.

15 JY: And I'm sitting in the kitchen. There's. . . .

16 RA: Squirming in you seat obviously.

17 JY: Yeah you know.

18 RA: I'm glad it was you and not me actually, um, sometimes I you know have those
19 problems too. So, sometime around 1993 you end things with Alicia, um

20 JY: 9..n...

21 RA: Now you're with Melody right now?

22 JY: 93 is when I went to prison.

23 RA: 93.

24 JY: 93 or 94.

25 RA: Ok.

26 JY: It was March. Yeah it was 94.

27 RA: Ok.

MICROPHONE
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12/25

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

MISSING

1 JY: Because uh, I got out nine months later and my first recovery uh, thing was in uh,
2 November, December of 94 and then I relapsed and uh, my next one was March
3 of 95.

4 RA: Your next relapse?

5 JY: Uh, I had smoked some weed.

6 RA: Ok.

7 JY: Been trying to make things work out.

CHANGED FROM
NO TO (INAUDIBLE)

8 RA: Did they put you in jail? Did you get caught?

9 JY: (Inaudible) ~~NO~~

10 RA: Ok, um so about 96 is when things totally ended with Alicia?

11 JY: Yeah, 95.

12 RA: 95.

13 JY It was done.

14 RA: All right. So, things end with her and now you're back on your own again. Or I
15 shouldn't say on your own but you're back by yourself again.

16 JY: Yeah.

17 RA: Um, and then you meet Melody? Correct? Melody? Ok? So then you meet Melody
18 Did you have any girlfriends in between Alicia and Melody?

19 JY: Uh, yeah. I dated a bunch of girls.

20 RA: A bunch of em.

21 JY: I mean I was a single parent I had a good job and my own place.

22 RA: Everything was good, right? Who else did you date back then?

23 JY: Uh, Dana, uh, Brittney, uh, Julie, uh, Lorie, a couple more. ~~62-42-57~~

24 RA: Uh-huh, when did you meet Melody?

25 JY: Um, I met Melody in um, probably about 2000.

26 RA: 2000 let me bring Greg up to speed. Basically uh, what we were talking about
while you were gone and John had to use the restroom too so he had a restroom

MISSING

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2min
42SEC

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

break, um, John said that he went to prison around 93, about 95 he gets out uh,
things are pretty much over with Alicia.

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JY: The end of 94 I got out. And uh. . .

RA: Ok.

JY: It was in 95 was when I got into I got out and I think it was like November
sometime I was home before Christmas in 90, in 95, 94.

RA: Ok.

JY: And then uh, I was going to meetings. I was doing ok, and then in uh, uh, 95 is
when I got into recovery actually -- that, into a facility to do something you know I
just uh, started off in March, January, February, March, March in 95 and then uh, I
met Melody in the year 2000 in a meeting and uh. . .

RA: What kind of a meeting, like a parent meeting or. . .

JY: No, it was a Narcotic's Anonymous Meeting.

RA: Narcotic's Anonymous.

JY: Yeah.

RA: You guys hit it off pretty good obviously.

JY: Uh-huh.

RA: How long after that did you guys get married?

JY: Um, about fourteen months. I proposed to her after a couple of months you know
and we lived together for a year. Find out we were actually compatible.

RA: That's probably a good idea actually.

JY: It wasn't the same on the first two. We fuckin lived together for a year and see if
we were compatible and you know if we were still willing and we got married in uh,
February 29 of. I be lying here cause if I said we just celebrated our ninth of 2000.
I must have met her in the end of 99.

GM: February of 99?

JY: Something like that?

MISSING
113
103000

1 MIN
34 SEC

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: How things work with her, she pretty cool? She seemed like a real nice lady.

2 JY: She's a good woman; a good woman. She's probably at home tripping out right
3 now.

4 RA: You guys been together ever since? No break ups or anything like that?

5 JY: Uh-huh, uh, we had a speech because of her daughter didn't wanna fucking uh,
6 didn't wanna get along with my kids and my kids didn't wanna get along with her
7 daughter.

8 RA: Uh-huh.

9 JY: So they spent a week up at the hotel here and even though (inaudible) split the
10 kids up and I'm thinking ok, you made the decision now you're gonna have to
11 suffer by em you know?

12 RA: Sure.

13 JY: A week later they moved back in and everything was fine.

14 RA: So for the last nine years you and Melody have been together. That's, that's good.

15 JY: We just celebrated our ninth anniversary.

16 RA: That's good.

17 JY: Six months ago uh, we were six or seven living across the street here and her dad
18 had passed away uh, he had his house almost paid off but you know and there's
19 no insurance and mom's doesn't have any kind of an income, brother can't afford
20 to so we moved in over there to help salvage his investments.

21 RA: Uh-huh.

22 JY: We moved in over there for about six months. You know her dad and her mom
23 had been together forty-five, forty-nine a long time you know so I been trying to
24 change what their house looked like to something different ~~to something~~

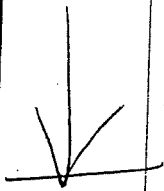
25 RA: Something modern.

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2 min
25 SEC



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, you know so that it doesn't you know remind her of the guy but evidently his
2 spirit keeps coming around and this, I've seen him in the living room one time uh,
3 some, one of the kids' friend come over and goes hey man. . . .

4 RA: No shit?

5 JY: Is a, did somebody die here. I'm like no, why? He goes well there's a man
6 standing right there and then my son came down to the bed, bathroom and uh,
7 was going into the bathroom and saw him standing in the bathroom. He wanted a
8 palace you know so I been trying to build this if you could imagine a pretty dingy
9 old house from where when we first moved into what it is now I'm just probably
10 pretty impressed. With the way things turned out. That's my strroy.

11 RA: Interesting, and you and Melody have been together the whole time. You guys
12 don't date outside of do, or I should say do you date outside of your marriage?

13 JY: No.

14 RA: You guys have been exclusive the whole time? Let's go back and talk about when
15 you lived at Rita's apartment. You told me that you moved in there when uh, you
16 and Holly and, and J.J. moved in there and you lived, um, tell me a little bit more
17 about Rita, about her the person that she was with a, a, who she socialized with?
18 What her normal routine was?

19 JY: Yeah, I don't I just she was a really lady that we met and she agreed to let me and
20 my wife and my kid live in her house and uh, she probably tired to get us to come
21 over and hang out with her a couple of times but I just wouldn't you know? I didn't,
22 I didn't know her normal routine. I didn't know any of her friends. I, I figure by the
23 time I moved up there I was I had been gone for a few years from the time I'd
24 been there before up there.

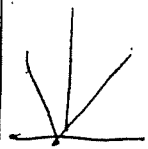
25 RA: Uh-huh ~~oh yeah~~

26 JY: You know and uh, then I'm back up there and I probably wasn't up in the desert
27 nine months before we had moved into her house you know so I, and my whole

28

LEFT OUT
NICE

2 min
25 sec



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 time that I was up there even the guys that I went to school with uh, Dave
2 Richards and all these other knuckleheads that I went to school I never even
3 socialized with them I just, just me; my wife, uh, uh, me, my wife with the kid and
4 uh, Janice and uh, anyways the girl Janice said uh, I had met when I was in
5 school that married into a guy and that's who we hung out with just Janice and her
6 husband. They didn't have any kids and I don't know where they live and I don't
7 even know the last name I just remember her as Janice you know.

8 RA: Did you and Holly used to go over and watch TV or anything with Rita?

9 JY: Uh, not that I know of.

10 RA: Did Rita come over to your place and watch TV with you and Holly and J.J.? No?

11 JY: No, not with me there.

12 RA: Did you and Holly ever invite or go over to Rita's house for a bar-b-q or anything or
13 uh, Christmas dinner or Thanksgiving?

14 JY: The only time I had ever been into Rita's house is that one time when I uh, when I
15 paid rent evidently you know but I normally wasn't just walk in and pay the rent
16 and uh, that one time when I went to pay rent she invited me in. She had her
17 friends and you know a couple of times that she had asked me there you know
18 help her out around in the house that was if you know?

19 RA: What kind of, what kind of things did you do around the house? (overlapping
20 conversation)

21 JY: One of the things the bathroom door didn't shut all the way uh, there was a
22 problem with the uh. . . .

23 RA: What did you have to do with that?

24 JY: It was an adjustment on the hinge.

25 RA: No big deal?

26 JY: No big deal um, uh, the faucet had a drip in it you know and just so I took the. . . .

27 RA: New washer?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P.110:
To
2 min
32 sec
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1 JY: Yeah, you know uh, kitchen sink was un, was plugged up, the back sliding glass
2 door didn't shut. Just little things you know?
3 RA: Uh-huh.
4 JY: I couldn't you know it wasn't a lot you know?
5 RA: What kind of locks did she have on the house, do you remember? ~~_____~~
6 JY: (Inaudible)
7 RA: (Inaudible) Did uh, how about the back sliding glass door was that do you know
8 what kind of lock that had?
9 JY: I'm not even sure
10 RA: Did it lock?
11 JY: I, I couldn't even I don't even remember?
12 RA: Did she ever ask you to come over and check her house out for any safety issues
13 or anything like that maybe she was scared or uh, she wanted to make sure that
14 her door locks worked or you know how women are sometimes they'll call a guy
15 over to take a look and make sure everything's cool and you're a handy guy.
16 JY: Just the little things that need to be repaired. She had her son's you know. I
17 never really met the guy.
18 RA: Did her son live in obviously he didn't live in the studio. Did he live in her house
19 with her while you were living there?
20 JY: No not that I know of, no.
21 RA: So she lived by herself totally as far as you know?
22 JY: And from what I had heard from other people after we had moved away and uh,
23 found out that she had been killed that uh, um, her son moved in so I don't even
24 know. My dad right now is under the impression that he hangs around a grip of
25 older people and older people have the tendency to talk.
26 RA: Sure. (overlapping conversation)

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: He, you know he says that according to his information he married the town ex-
2 mayor you know from up there so she knows like probably fucking everybody up
3 there that's descent you know and his feedback was that her son his uh, was the
4 one that got convicted of the I don't even know.
5 RA: Of what?
6 JY: Of Rita's murder.
7 RA: Oh, really!
8 JY: Yeah.
9 RA: Ok, well that's not true. We know that's not true I'm sure.
10 JY: You guys. . . .
11 RA: Yeah, we wouldn't be out here asking question trying to figure out who was around
12 her um, did you ever go over to Rita's house for drinks and maybe Holly wasn't
13 there? Maybe to socialize with her or anything ~~that was~~
14 JY: First of all, I had, I'd gone over there that one time when we were
15 (overlapping conversation)
16 RA: Just the one time right? Never had any type of a relationship with Rita? Excuse
17 me?
18 JY: No.
19 RA: No, did you ever date her?
20 JY: Uht uh
21 RA: Uh, kiss her?
22 JY: Uht uh
23 RA: Um, have sex with her?
24 (cell phone ringing music)
25 RA: Excuse me I'm sorry. Nu-no intimate relationship at all?
26 GM: You said you had brothers and sisters?
27 JY: Uh-hum.

28

2 min
10 sec



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 GM: What were your brother's names?
- 2 JY: Joseph, I mean not Joseph, George.
- 3 GM: George, what was his first birthday?
- 4 JY: February something.
- 5 GM: He's older than you?
- 6 JY: Yeah.
- 7 GM: How many years older?
- 8 JY: Sixty-one, he's born in sixty-one.
- 9 GM: And then came who next?
- 10 JY: Then me, uh, John and that's uh, September of 63.
- 11 GM: You, sixty-three, and then? (overlapping conversation)
- 12 JY: And then Kenneth was uh, December of 65 and then uh, Brian was December of
- 13 72.
- 14 GM: Any sisters?
- 15 JY: No.
- 16 RA: How about stepbrothers or sisters? Stepbrothers? Stepsisters?
- 17 JY: Uh, my mom married a Mexican family I'm sure there's probably five hundred of
- 18 them out there in Mexico, um. . . .
- 19 RA: Were your brothers living in Lucerne Valley?
- 20 JY: Yeah.
- 21 RA: All of em?
- 22 JY: Um, yeah.
- 23 RA: When Rita as killed were all of them living up there?
- 24 JY: Uh, Brian, uh, I don't think any of us lived up there when Rita was killed but I'm not
- 25 sure you know I don't know when she was killed. I don't know.
- 26 GM: Were they living up there before?
- 27 RA: She was killed in 1985.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P.113:1
To
2 M
7 SEC
V

- 1 JY: 1985?
- 2 RA: 1985, uh-hum.
- 3 GM: Were your brothers living up there in 85? ~~60~~
- 4 JY: My brother George was.
- 5 GM: What about Kenneth and Brian?
- 6 JY: Um, no.
- 7 GM: So just George?
- 8 JY: Yeah.
- 9 GM: Where was he living at?
- 10 JY: Um, in a motel downtown.
- 11 GM: He doesn't live with your dad?
- 12 JY: No.
- 13 RA: He was kind of like on a month by month?
- 14 JY: Yeah, (inaudible).
- 15 GM: And then your dad did he ever get a new wife or girlfriend or
- 16 JY: No, he's been with the same lady for twenty-six or twenty-seven years.
- 17 RA: What's her name?
- 18 JY: Uh, Betty.
- 19 GM: Betty?
- 20 JY: Betty Murrie.
- 21 GM: How do you spell that last name?
- 22 JY: M-U-R-R-I-E.
- 23 GM: M-U-R. . . .
- 24 JY: R-I-E.
- 25 RA: Is she a local or she from Lucerne?
- 26 JY: Yeah.
- 27 RA: Is she.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: And that's his wife right now?

2 JY: I guess you could say they been together that long.

3 RA: Are they still together now?

4 JY: Uh-huh.

5 GM: What about we heard the name Pam Hardwick.

6 JY: Yeah, he did. He married Pam as a matter of fact and when uh. . . .

7 RA: Are they still together?

8 JY: No.

9 RA: No?

10 JY: No, there's a, she was with twenty-eight or something like that when they met and
11 he was just Pam oh my God that thing was jacked. That's how long it's been.

12 RA: You totally forgot about her, huh?

13 JY: Yeah, she lived off of uh, a little housing community I was telling you about.

14 RA: Going by the school?

15 JY: Yeah.

16 RA: Or just up the street from the school.

17 JY: Yeah, it's just right up the street. It's right, right up there half a mile from the
18 market. (overlapping conversation)

19 RA: Going towards the mountain.

20 JY: The Lucerne Valley market, yeah.

21 GM: When did they get married? Before you got up to Lucerne Valley? When you were
22 in the Army or after?

23 JY: After, uh, before the last time, God, uh, they got married.

24 GM: Before you went in the military?

25 JY: Yeah, oh hell yeah.

26 GM: When did they get divorced or separated?

27 JY: Excuse me?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 GM: When did they separate?
- 2 JY: Um, I don't even know that either.
- 3 GM: What you'd say I didn't catch your mom's name?
- 4 JY: Betty Jo.
- 5 GM: Is that one word?
- 6 JY: No, first and middle name. Betty Jo Cook is her name.
- 7 RA: Does she spell it J-O-E or J-O?
- 8 JY: J-O.
- 9 RA: Just J-O, right? C-O-O-K?
- 10 JY: Uh-huh.
- 11 RA: Ok.
- 12 GM: You still keep in contact with her?
- 13 JY: No, she's passed away.
- 14 GM: Ok.
- 15 JY: She's been passed away for, ahhh maybe eight years.
- 16 RA: She. . . .
- 17 JY: No, it was longer than that. (overlapping conversation)
- 18 RA: get sick from something or what happened to her?
- 19 JY: I don't even my brother went to go and visit her and she was passed away.
- 20 RA: Oh, that's terrible.
- 21 JY: Yeah, and then uh, the coroner couldn't figure out what it was that she had
- 22 passed away from.
- 23 GM: How about George, was he dating back then in 1985.
- 24 JY: He's been married to the same lady since he was seventeen.
- 25 GM: Still?
- 26 JY: Yeah.
- 27 GM: They have a good relationship obviously then huh?

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, I guess, uh. . . .
2 GM: What's her name?
3 JY: Becky.
4 GM: Rebecca or Becky or
5 JY: Becky.
6 GM: Becky Yablonsky?
7 JY: Yeah.
8 RA: What was her name then? Do you know? Becky's?
9 JY: Montoya?
10 GM: Montoya?
11 JY: Yeah.
12 RA: She pretty cool, you like, you like her?
13 JY: No, we don't get along. I don't like her. She don't like me.
14 RA: Do you get along with your brother?
15 JY: Yeah.
16 RA: Huh.
17 JY: This kind of burdens with relationship was between me and her.
18 GM: You know you said you had those two cars back then, a pick up truck you still
19 have that today?
20 JY: (Inaudible)
21 GM: What happened to that?
22 JY: Uh, my dad came and got it because I missed a couple of payments or
23 GM: He repoed it? (overlapping conversation)
24 JY: missed four payments and he took it.
25 RA: He took it and sold it or did he keep it?
26 JY: No I think he kept it and left it in Mexico when he moved from Mexico. He still I
27 mean a couple of years ago they sold their place in Mexico he still had that truck

P. 115:3
To
4 MIN
31 SEC

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: So that was his driving around vehicle down in Mexico.

2 JY: Yeah, it's painted like a camouflage tank.

3 GM: And what about your Pinto?

4 JY: Excuse me?

5 GM: Your Pinto?

6 JY: I sold that.

7 RA: To a person, to a wrecking yard?

8 JY: A car, a car lot over here on uh, Long Beach Boulevard.

9 RA: Down hear in Long Beach? What was the name of it do you know? Is it still
10 around or did it close up shop?

11 JY: Oh, it's been closed up long time ago.

12 GM: When did you sell that?

13 JY: Right after me and my wife had moved down here.

14 GM: After you and Holly moved out? Do you know why we're talking to you today?

15 JY: Hmm.

16 GM: Do you know why we're talking to you today?

17 JY: Um, you were gonna . . .

18 GM: Now John people make mistakes. We're not here to judge you.

19 JY: Yeah.

20 GM: Your young but you had a rough childhood. You had a rough life

21 RA: I think people probably don't understand you. Some of the things that you've
22 done some of the things you've been involved with.

23 JY: You guys think I did this?

24 GM: We know you did it John.

25 JY: There's just no way.

26 GM: We're not here to judge you man.

27 JY: I just like....

28

1 MIN
3/5 SEC

~~10 I think people probably don't understand you. Some of the things that you've done some of the things you've been involved with.~~

~~15 Um, you were gonna . . .~~

CHANGED ANSWER FROM "UM, NO" TO "YOU WERE GONNA"

CHANGED FROM "DO YOU GUYS THINK I DID THIS" TO "YOU GUYS THINK I DID THIS?"

4/5 SEC

11 SEC

MISSTATION

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: We've been investigating homicides for a long time. We've talked to a lot of
2 people including you and, and many other cases we've worked on. We've been
3 working this one for a long time and my partner and I, I think he'll agree with me I
4 get the sense that you feel bad for her. I saw what you looked like when you
5 looked at her photo. I saw the hurt there.

LMW
3 SEC

6 RA: We saw how it tore your stomach up back at the house. John life, life is good for
7 you right now. You've turned things around. You're with a good woman. Back in
8 1985 there were a lot of you had a lot of stress in your life. You had a new child.
9 You had a wife you weren't getting along with.

10 JY: I didn't. I didn't do this. ~~And I don't want to talk about it.~~

11 GM: John we know that you did. ~~And I don't want to talk about it.~~

CHANGED FROM
"You Guys ARE"
TO
(INAUDIBLE)

12 RA: John.

13 GM: We wouldn't be here today talking.

14 RA: We wouldn't just pick you out of a, a needle in a haystack to talk to.

15 GM: You know there is many reasons why these types of things happen. You told us
16 about your childhood and the things that happened to you and the things that
17 you've gone through and there were a lot of stressors in life for you. We know
18 that you made some mistakes. Nobody's perfect.

40
SEC

19 JY: I made a lot of mistakes but not this. I've never made this mistake there's just no
20 way. ~~And I don't want to talk about it.~~

21 GM: It's all right John. We don't think you're a bad person. I think it would be good
22 that you get this off your chest. I really do.

23 RA: You know when we get to this point have you ever put a puzzle together?

24 JY: Uh, yeah.

25 RA: Everybody has in their life and when you first start out as a kid you start out with
26 the puzzle with the gigantic pieces that are huge, right? Right? When you're four
27 or five years old and you only gotta put twenty pieces together and as you become
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 older you get the puzzle that has a whole bunch of little teeny pieces. But you can
2 put those together. You usually start out at the edge and you put the edge in and
3 you pick out the right one and you start putting it in. Before you've got that puzzle
4 finished you know what the picture is. You know what it is. Well that's how our
5 investigations go. Like Greg said just a second ago we've been working on this
6 case for quite a few months. This is all we do. We only work cold cases. We
7 don't do any other cases and we've been putting pieces of this puzzle together for
8 a long time and we know what the picture is.

9 JY: That's just, just...

10 GM: John. . . . (overlapping conversation)

11 JY: I, I can't even imagine how it leads to me. (overlapping conversation)

12 GM: John you know you know with new technology today the things they can do back.
13 We don't have to spell this out.

14 RA: You're a smart guy. Things have changed a lot since 1985. We do things
15 differently now. Technology that wasn't available in 1985. It's available now. And
16 we go back and we look at the evidence. We go back and we look at the scene.
17 We go back and re-reanalyze things.

18 JY: I never hurt anybody like you guys are saying had I did to her. You know I've
19 done some stupid shit. I done some wrong things not like that not to her. That
20 lady was always nice to us. And would of never even hurt anybody whether she
21 was or not. It's just not in my line. It's not in my nature. ~~05-00-01~~

22 GM: I don't think you'd intend to do something like that. I think it may have been an
23 accident. Something, something happened and she got hurt.

24 RA: Back then you were using drugs. We know you were.

25 JY: Yep, so I had told you that I was getting high.

26 RA: Uh-huh.

27

28

MISSING
LOG

2 min
215 sec



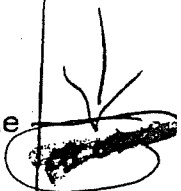
INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

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JY: Uh, I don't even know that I had stopped getting high and me and my wife and she took off and split and her mom had come and getting into the picture. This is

GM: This case actually started getting worked on before we worked on it back in 1999.

JY: Yeah.

RA: As a matter of fact people have been working on it nonstop ever since the case originally was investigated and the guys did a great job. We talked to a lot of people and every now and then a detective would pick it up as technology became more available and more accessible and new things were around. They would start working the case. And they did this numerous times. (overlapping conversation)

JY: I, I,

GM: You were booked recently into jail weren't you? What did they take from you when you were booked in jail?

JY: Um, DNA.

GM: So, like my partner said we're not here to judge you. We've talked to literally thousands of people during these homicide investigations. We've been doing this a long time. We've seen a lot of bad people. A lot of bad stuff happened. I can tell you sitting to, sitting here and talking to you today you're not like the people we normally deal with. The people we normally deal with are gang members and drug dealers who don't care about hurting anyone and repeat those offenses if they're not caught. You're not one of those people. We've talked to many people just like you who have made the same type of mistakes in life. It's time to do the right thing.

2 MIN
15 SEC

JY: I'm trying to do it. (overlapping conversation)

GM: Say what happened John. It's time man.

JY: Can, can I call my wife? ~~REDACTED~~



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: We, we already know what happened in the house. You're not gonna say
2 anything that's gonna get us excited. You're not gonna tell us anything that we
3 don't already know. So, I don't want you to feel like this is gonna be
4 (overlapping conversation)

5 JY: I don't think you guys are trying to bully me into this but I'm, it's gonna be really
6 hard for me to admit to something that I didn't do. And there's a lot of things going
7 on that uh, I don't even fucking know you know? I, I, I don't even know.

8 RA: How are you gonna explain this to Melody?

9 JY: Dude, I have. . . .

10 RA: She has been by your side for the last nine years. Let me ask you a question
11 here, ok? Let's say that we take this table and we wipe all, we wipe it all off, right,
12 we wipe it all off it's nice and clean. When you come up and you touch it with your
13 hand or a finger all right? And we don't know that though. And then you leave the
14 room and we come in here and we dust the whole table for fingerprints and we
15 come up with one and then we do our magic with it. We run it through the
16 computers and they say hey John Yablonsky touched this table, right? We come
17 up to, we come up to you and we talk to you and we say, "John were you in this
18 room?" And you tell us, "no, I was never in that room, never been in that room
19 before." What are we gonna know by that fingerprint.

20 JY: I understand what you're saying.

21 RA: No, I'm asking you what are we gonna know by that fingerprint being there.

22 JY: That I was in this room.

23 RA: Exactly.

24 JY: I'm not saying I was never in this

25 RA: And if you continue and if you were to deny it what would we think?

26 JY: Yeah.

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: You would know that the evidence was there. The evidence was left behind. The
2 fingerprint on the table tells everything. John the evidence tells everything. We
3 know.

4 JY: I understand that. (overlapping conversation)

5 RA: You can't sit here and tell us that you did not have a part in this because we have
6 the evidence. We have the evidence. Not only, not only do we know but when we
7 tell your wife, she's gonna know and everybody else is gonna know too,
8 everybody. The fingerprint's there, the table was clean. John the fingerprint was
9 there, the evidence is there. This is your chance to come forward tell us the truth.

10 JY: Can I come and talk to my wife? Can I please smoke a cigarette? I didn't do this
11 guy's? I'm not saying I wasn't around the lady ~~_____~~

12 GM: John, John, let me clear something up, ok? We know one hundred percent fact
13 that you killed Rita. We have undisputable physical evidence that you killed Rita.

14 That evidence was collected during that crime scene investigation back in 1985
15 and I'm sure you watch cold case files and other shows that type of physical is
16 refrigerated and frozen. Those items were taken out in 1999, reevaluated,
17 worked, and profiles were obtained. They were put into a system. You got
18 arrested. We got a match to you, and this physical evidence that we have

19 undeniable says that you killed her. Now for you to sit here today and say you
20 didn't do it is not gonna look good in court. It's not gonna look good in front of a
21 jury, John hold on. What it's telling me or what it may tell other people is that you
22 don't care. That you don't have any remorse you don't feel sorry for what
23 happened you don't feel bad for what happened. I thought I saw something
24 different at the house when I was talking to you. I thought I saw some emotions I,
25 when I looked at you I, when you looked at that photo I thought I saw that you
26 were hurting inside ~~_____~~

27 JY: The fact that she's been killed, yeah, is disappointing. (overlapping conversation)
28

8:122:2

TS

3 min
25 sec

↓

REMOVE

1 min
27 sec

↓

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb.

1 GM: Was it an accident or did you intend to do it?

2 JY: Dude I didn't, I didn't . . . (overlapping conversation) —

3 GM: John?

4 JY: intentionally or accidentally kill this lady.

5 GM: John.

6 RA: John, we're being polite with you and I (overlapping conversation)

7 JY: I understand you're being polite with me I'm just being for real with you, you
8 know? I'm just: . . .

9 GM: John there is nothing to be ashamed of or embarrassed of at this time. Like I said
10 we're not here to judge you. We know what happened. This is the time to say

*MIS
113
Version*

11 that you're sorry for what happened and you feel bad. I don't wanna see you
12 sitting in a courtroom later down the day denying that you ever did this and, and
13 showing no remorse, showing no hurt, show, with no explanation of what
14 happened or why it happened. I, I don't think you're that type of guy.

15 JY: I, did not kill this lady. I never hurt this woman, ok, never. Uh, . . .

16 GM: Look at her John.

17 JY: Yeah, I been noticing it. It's the same lady that uh, uh, was descent enough to
18 rent us a spot in her uh, yeah.

19 GM: Are you evil?

20 JY: No.

21 GM: You're not evil, right?

22 JY: No.

*IT WAS BEING FALSLEY
SUSPECTED, UNDER ARREST
NOT ALLOWED TO LEAVE,
THIS IS NOT THE FIRST TIME I
WAS ARRESTED FOR SOMETHING I
DID NOT DO!*

23 GM: You're a human being. You have feelings? Do you have feelings, John?

24 JY: Yes.

25 GM: Cause there are people that we have talked to who have murdered more than one
26 person, that being serial killers, serial rapists, those types of people. During
27 interviews of those types of people uh, very rarely do they show any type of

RMISSINX

*DATE THIS WILL BE CONSISTENT WITH NO STATE OF MIND
FROM JOHN THAT CLEARLY THE POINT THIS ONE IS NOT
DURING THIS INTERVIEW*

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

P. 124:
T8
2 min
38 sec.
↓

1 remorse, very rarely will they admit to what they did or admit what they did was
2 wrong. They don't have any feeling inside. They are broken. They don't think like
3 you. They don't think like us. It doesn't mean anything to that type of person to,
4 to kill somebody.

5 JY: If I did something like that and you guys had me in here, I'd be like admitting to it
6 man, ok? just you can pull up my record uh, I did the same thing in prison I, I just
7 came clean, clean all my stuff out, you know, I'm just not

MISSING
113
VERSION

8 GM: A search warrant is being served at your house right now John.

9 JY: Can I at least go outside and smoke a cigarette right to this point? I mean I know
10 they're not gonna let us smoke it in here.

11 RA: I think we're gonna be, we're gonna be done here John. I'm not gonna, there's no
12 need for us to carry this on any further.

13 GM: We tried to give you the opportunity to be remorseful and . . . (overlapping
14 conversation)

15 RA: What happened in 1982 . . . (overlapping conversation)

16 GM: Tell us what happened.

17 RA: when you were in El Paso, Texas, John?

MISSING
113
VERSION

18 JY: Wow! um, went bar hopping one night. I just gotten out of basic training and I
19 went to a bar and met a black guy and that black dude uh, had complications with
20 me so I went to a different bar anyways I ended up, uh, some lady said that I had
21 pulled a knife on her and raped her twice in a bar. And it never happened, you
22 know uh. . .

23 RA: It wasn't in the bar it was in the bathroom, in the woman's bathroom that's where it
24 actually happened.

25 JY: Um. . . you know.

26 RA: So, we know about that too.

27 GM: What about 1996?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: 1996?

2 JY: Ok, and I was with a uh, girl that uh, I was dating I know what you guys are leading at but (overlapping conversation)

RA: I....

5 JY: I, I didn't rape a girl in the bar, ok, and Lori Amaro I didn't either. We had sex and she called the cops because I was moving out and told them that I had raped her and it didn't happen you know she said that I had raped her and when I talked to her over the phone she was telling me how I had raped her soul and I just you know the district uh, detective picked it up, heard her over the phone saying that you know that I had raped her soul and I'm like I didn't rape her soul I mean it, that is what happened. It's not against the law.

12 RA: To rape her soul?

13 JY: That's what she said I didn't rape her physically, sexually rape her. So.

14 GM: How do you feel about talking to us today?

15 JY: I, I, I don't even know what to say man I, I understand what your guys' job is to do and, and I just, dude I had nothing to do with it, you know?

17 RA: What are you gonna tell Melody?

18 JY: Well, I'm gonna have to tell her. She got a search warrant over there going through the house she already knows right now. She's gonna end up calling uh, this attorney. ~~ALTERED TALK TO THE IN CALLED~~

21 GM: We told the detectives not to tell her at this point what's going on.

22 JY: I told her you know what you guys are questioning me about and you know she's very understanding about what you guys are questioning me about.

24 RA: Women are usually very understanding up to a certain point. I think when the details come out I don't believe she's gonna be quite as understanding as she is right now, John.

27 JY: I've been truthful with my wife about everything. ~~03.9.10~~

1-13 MISSING

2 mins
25 sec

18 sec

11 sec

29 sec



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

*MISSING
LORAIN*

1 RA: So, you told her about what happened with Rita?

2 JY: I, dude ain't nothing happened with Rita.

3 RA: Did you tell her what happened in 1982.

4 JY: Yes.

5 RA: And in 1996.

6 JY: Yes.

7 RA: If I go ask her she's gonna tell me oh yeah.

8 JY: Yes.

9 RA: No, problem.

10 JY: Absolutely.

11 GM: You understand, we did tell you right, John that there is undeniable DNA evidence
12 that links you to Rita's death.

13 RA: You understand that, right?

14 GM: I wanna make sure we're clear about this.

15 JY: Yeah, I understand what you're saying.

16 GM: John, you don't wanna go into a courtroom this way.

17 JY: First, I, I'm, I, I...

18 GM: John if we lied to you during any point of this interview from the beginning and you
19 caught us in a lie we'd have no credibility, correct?

20 JY: Uh-huh.

21 GM: Inside you'd be thinking those guys are full of shit, right? We've been straight up
22 with you from the beginning. We told you why we were at your house. We told
23 you why we were talking to you. We haven't been deceitful. We haven't tried to
24 back door you. We've been up front with you the whole way through because
25 credibility is everything John. When we do these investigations if we get caught in
26 a lie we have no credibility. Nobody trusts us. Nobody will talk to us. Nobody will
27 help us. That even includes when we talk to the person that committed the

*P
10*

52860

↓

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 murder. We're honest with that person and we're up front. We're being up front
2 with you right now John. You're DNA links you to Rita's death.

3 JY: It's just uh. . . .

4 GM: Was it an accident?

5 JY: Dude I didn't, I didn't. . . . ~~this lady~~

6 GM: John, John, was it an accident?

7 JY: You're not hearing me. I, I didn't hurt this lady.

8 RA: Ok, a year, as you sit hear today clean and sober didn't hurt her. But how about
9 the John Yablonsky back in 1985 that was working his ass off for his family for a
10 wife that didn't appreciate him. That was you were doing some drugs back then.
11 That was doing drugs did that John, did that John Yablonsky?

12 JY: No, this physical John Yablonsky didn't hurt that lady. Never harmed that lady.
13 And I bring that thing up from Texas you know what you only see the portion there
14 you didn't see the contacts that the, that her pimp made to my family.

15 RA: I have a complete copy of the police report John. (overlapping conversation).

16 JY: That, that said that if my uh, family gave them five thousand dollars that they
17 would drop the charges, ok. You didn't see that portion of it. And then you didn't
18 see that uh, after this girl here in Long Beach, Lori had, they had dropped or
19 released or whatever they did to the charges. I think they were rejected because
20 of what she was saying um, you know that very next day, you know wanting to get
21 back together with me. She wanted to be with me and I, I she was too violent and
22 I wasn't gonna have my kids in her house. (overlapping conversation)

23 RA: Is that what these two ladies are gonna say when we go to court? Cuase we're
24 gonna go to court.

25 JY: I'm sure you guys got your game plan. (overlapping conversation)

26

27

28

WORDS LEFT OUT
"KILL THIS LADY"

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: And when we go to court, and when we go to court what's gonna happen is we're
2 gonna call those people in to explain what happened back then, whether it was
3 1982, whether it was 1996 or anywhere in between.

4 JY: I, I understand what you're saying, I you know I didn't rape the lady, ok, I, I didn't.

5 GM: We never said she was raped.

6 JY: I'm just saying in Texas, I'm just telling you what had happened what the case was
7 you know and if it's not that one it's the possession for intent to sell, ok, those
8 were the two cases in uh, in Texas and then this one here in uh, uh, Long Beach.
9 But I never raped her either. So. . . .

10 GM: How are, how are you John going to prove that you didn't do it if your DNA says
11 you did? You have a twin brother?

12 JY: No, I don't. (Inaudible)

13 GM: How are, how are you gonna prove you didn't do it? I have to tell you John out of
14 the hundreds of cases we've worked this is probably one of the most strongest
15 cases we've ever had. Just, do you think it's possible you could have been under
16 the influence of some sort of narcotic back then? You know you told us there was
17 some things going on back (overlapping conversation)

18 JY: I told you I was getting high and everything and

19 GM: then you could have done it and thought it was a bad dream? (overlapping
20 conversation)

21 JY: Dude we weren't even I don't even think we were living up there when she had
22 gotten killed so I, like, I'm not sure and I don't know when it happened I have no
23 clue.

24 RA: That doesn't mean that you couldn't have went back.

25 GM: When you raised your kids did you teach them right from wrong, John?

26 JY: Yeah.

27 GM: You teach them to tell the truth when the mess up?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Um, yeah.

2 GM: What if you caught your child doing something like let's say stealing and you saw
3 him steal and then he didn't know you saw him and you confronted him and he
4 said dad I didn't steal anything, you saw him. You have evidence to prove he
5 stole. How would you. . .

6 RA: What if he's on a videotape? You didn't see him but he's on a videotape. And you
7 recognize him from the videotape, he's your kid, nobody else looks like him and
8 you recognize him.

9 GM: How, how would you react if he said, "dad I didn't steal." (overlapping
10 conversation)

11 JY: I wanna talk to my wife and I want her to contact an attorney because you guys
12 are telling me I've done something that I know I didn't do and, and that

13 GM: You knew this would come back one day, John.

14 JY: I never even said so much as a cross word to this lady.

15 GM: John, you knew in the back of your mind one day, one day some cold case
16 detectives might come and talk to you. It's been in the back of your mind for a
17 long time. You're not the first guy that we've talked to in a case like this. And I
18 know after your mouth got swabbed you were real nervous and it brought back
19 some memories and some worries. And you were wondering if we we'd come
20 knocking, you'd wonder, you'd wondered if someone would come knocking on
21 your door eventually John. I think I see someone human inside. I really do. Tell
22 me your human and your not some evil person that's gonna deny you ever did this
23 when there's, when there's undisputable evidence that you did this, John,
24 undisputable.

25 RA: Not only are we, not only do we recognize the evidence, everybody else is gonna
26 recognize the evidence too. Your wife is gonna recognize the evidence. Your
27 dad, your brothers, everyone will recognize the evidence for what it is. And when
28

P. 028:

To

5 mins
27 sec

4/52

THIS OVERLAPPED J.V. SAYING
"I JUST DIDN'T DO IT"

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 Greg told you that it's strong that is an understatement. It's not strong, it's
2 overwhelming it's powerful, it's grandiose, it's so huge that there is no way that
3 you're gonna sit here and tell us that you had nothing to do with it. There's no
4 way, no way. We know that you're not a monster. We know that you like Greg
5 said you got your life together. You're a human. People make mistakes. People
6 make poor decisions. Things happen. We don't want to paint the picture of you
7 as this evil monster with no remorse that doesn't care about anybody.

8 GM: Cause that's what you're forcing us to do.

9 RA: When things happen and this case comes out in court, which it will. I'm telling you
10 it will. We're not going away. We are not going away.

11 JY: I don't even know what the hell to think here right now.

12 RA: We are not gonna go away.

13 JY: I don't know how anything comes to proving to that I did it.

14 RA: Everybody will see the evidence for what it is. Like Greg said we're sure that you
15 watch cold case files and detectives come back twenty, thirty years later and
16 everybody knows, everybody knows who's responsible. (overlapping conversation)

17 JY: Again...

18 RA: And they will.

19 JY: I've done some stupid shit but I never hurt anybody like this.

20 GM: You were a kid.

21 JY: I didn't hurt that lady in Texas. I didn't hurt this lady here in Long Beach. Yeah, I
22 sold the weed in Texas. That's undisputable. And I didn't hurt Rita. I didn't hurt
23 these women.

24 GM: You didn't hurt her you killed her.

25 JY: I didn't kill her either.

26 GM: You're not gonna offer up any explanation

27 RA: What if I told you (overlapping conversation)

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: as to what happened. (overlapping conversation)

2 RA: What if I told you, what if I told you that the DNA that we got came off of the item
3 that was used to kill her, what if I told you that. We didn't tell you how she was
4 killed.

5 JY: I'm just telling you what my dad had told me. I don't know.

6 RA: But, how would you explain that? How would you explain your DNA, John
7 Yablonsky. There's only one of you. Your DNA is on the item that was used to kill
8 her. How would you explain that?

9 GM: We didn't know about DNA back then nobody did. It makes our jobs easier today
10 because people who committed crimes back then didn't take precautions cause
11 there were none to take. But we've been solving a lot of cases this way John.
12 They're actually easier than the newer ones cause today people take precautions.
13 My partners right in what he told you.

14 JY: You got my DNA on a murder weapon?

15 GM: Which was still on her body. I'm being straight up with you John trying to get you
16 to do the right thing to show that you're human that you made mistakes.

17 RA: What would your wife say, your kids what would they say?

18 JY: I'm sure they're all gonna be just uh, you guys are saying it for me right now.

19 GM: These, these details don't have to leave here this can be between us John. But
20 you need to do the right thing. Because if you don't it's gonna cause us to do a lot
21 of interviews with a lot of people to dig into your mind.

22 JY: To dig into my mind?

23 GM: If you can't offer up any explanation as to why this happened. There is gonna be
24 about twenty interviews that are gonna ensue. If you can't or will not explain why
25 this happened.

26 JY: Well I'm. . . .

27 GM: John. . .

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

MISSING

MISSING

- 1 JY: I'm lost here.
- 2 GM: John, John, you're DNA is on the item that was used to kill Rita and was still on
- 3 her when detectives processed the crime scene.
- 4 JY: Really?
- 5 GM: Yes.
- 6 RA: Yeah.
- 7 GM: Undeniable, undisputable, hard evidence John.
- 8 RA: It's nobody else's. It was, it was a match a perfect match, a perfect match.
- 9 JY: But I didn't do it. I'm like . . .
- 10 RA: Are we done?
- 11 GM: Yeah, we're done.
- 12 RA: We're done. Do you have anything else that you wanna say to us.
- 13 JY: I'll just get an attorney. I got an attorney already.
- 14 GM: You're under arrest for the murder of Rita Cobb that occurred in 1985.
- 15 RA: Stand up. Turn around. Put your hands on the wall. Do you have any weapons
- 16 on you, John?
- 17 JY: No.
- 18 RA: Nothing at all?
- 19 JY: No.
- 20 RA: Ok, turn around and face me real quick. What time is it right now, Greg?
- 21 GM: One o'clock.
- 22 RA: 1400 hours.
- 23 GM: Do you wanna tell them to get a holding cell and then I'll sit here with him?
- 24 RA: Yeah, yeah. Why don't you have a seat right there, John.
- 25 JY: So are you guys transferring me back to San Bernardino?
- 26 RA: Yes.
- 27 JY: Can I call my wife before we go?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: Not right now.

2 JY: Dude I didn't do this. I don't know how you guys got what you got. I, I didn't do
3 this. I didn't hurt this lady.

4 (Long silent pause)

5 JY: So when do I get to make a phone call?

6 GM: Hmm, we have to give you one within so many hours. You'll get one.

7 JY: Can I pee again?

8 GM: Yeah, when my partner comes back.

9 RA: Let's go. Go ahead straightforward. Make a right. Straight down.

10 UN: Can you get me uh, the keys?

11 UN: Sir, can you use the restroom in the holding cell?

12 RA: Do you need to use the restroom right now?

13 JY: Yeah.

14 RA: Ok, once we get rid of your property then.

15 GM: No, not until then. You guys are just gonna hold him for us right in a cell.

16 UN: Uh-hum.

17 RA: Right over here.

18 GM: (Inaudible) all ready set up.

19 RA: Over here. Turn around and face me right here. Do you have any medical
20 problems? John, ok. Let me tell you what's gonna happen, what's gonna happen
21 is um, I'm gonna take all your property right now and we're gonna put it into the
22 bag. We're gonna hold on to it. You can release it later on if you want I don't
23 care, um, then I've got some things I've gotta do maybe you wanna take a seat
24 here. (Inaudible) so long. Put your hands on top of your head. Take your glasses.
25 off, put your glasses directly right here. Now take your ring off. Face me open
26 your mouth. Pick up your tongue. Ok hold your shirt up let me see your waist.
27 Turn around, all the way around. Ok, take off your belt. Put your belt right here.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 Uh, put your hand in one of your pockets, front pockets. Pull it, everything out put
2 it in there. Leave the pocket out next, pocket inside out, ok front pocket. All right
3 this one. Ok turn around face the wall. Separate your feet step back towards me
4 all right turn around. Take off your shoes, next one. Hold them upside down, hold
5 them upside down tap them together. Ok, put them down. Take your socks off turn
6 them inside out. You guys care if he wears his socks?

7 UN: He can wear his socks. We have you can take the shoes off, great.

8 RA: Uh, next one. We put the socks on in just a second. Ok, good enough. Ok, grab
9 your shoes put them right outside here.

10 UN: Want your socks?

11 RA: He needs to use the restroom.

12 UN: We'll get that. Do you want your socks?

13 JY: Yeah.

14 UN: You can take your socks. Give me a quick second and I'll let you know all right?

15 RA: Ok. Ok, thanks. This is Detective Alexander it's approximately uh, 1303 hours we
16 going off tape, end of interview.

17 DRIVE FROM ~~P. 1:5~~ 1700 E. SILVA, L.B., CA 90807 3 HR.

18 To SIGNAL HILL POLICE STATION 11 MIN. 48 MIN START TO FINISH
19 (END OF RECORDING)

21 P. 52:16 TO P. 52:26

22 CLOCK COUNTS BACKWARDS

23 P. 55:16 IS WHERE DRIVE STARTS

24 P. 56:16 SHOWS 1/2 MIN. W. ERROR
25 P. 1:5 (09:15) P. 56:16 (10:35)
26 IN 20 MIN.

INDICATING IT TOOK 2 1/2
MINUTES TO TALK FROM
P. 131: TO P. 136:15
SPACE

27 P. 113:13 TO P. 119:14 8 MIN 9 SEC.

(6 PAGES)

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28 Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

1 1/2 MIN. MISSING FROM P. 1:5 TO P. 56:16 (TIMER 1:21:23)

CONVERSATION IN DRIVEWAY MISSING P. 52:3 1/2

AT PAGE 131:18 3.26 1/2 min

12 MIN. 21 SEC.
MISSING
WITH DRIVE,
AND ALL DRIVE NOT OFF
TIMER.

EXHIBIT COVER PAGE

64

EXHIBIT

Description if this exhibit:

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

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

TO BE VERBATIM (ACCURATE)
TO EXHIBIT 49 CD DISC OF INTERROGATION

THIS IS
IN STATES EXHIBIT
49A

EXHIBIT #
CASE #: FV1900518
DATE FILED: 1-27-11
DATE ENTERED: 1-27-11
Π Δ

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(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

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Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Great, appreciate it.
- 2 JY: Yeah, he's a friendly dog he just
- 3 RA: Looks like an old neighborhood here but uh. . . . it's really well taken care of
- 4 (overlapping conversation)
- 5 JY: I just don't want him to uh climb up into your guy's laps or what have you.
- 6 GM: What kind of dog is he?
- 7 JY: Golden Retriever.
- 8 GM: How old is he?
- 9 JY: About five years.
- 10 RA: Five years old? I used to have a Rottweiler and everybody thinks they're ferocious
- 11 dogs but, they're just huge babbies. . . .(overlapping conversation)
- 12 JY: I used to have a Rottweiler but he's obese, he's like, God he's like that big his
- 13 head is huge.
- 14 GM: Wow!
- 15 JY: He's a loving dog you know. I work over at his house one day and I had a little rip
- 16 in my pants and he just I mean he literally ripped the bottom portion of my pants
- 17 off, yeah.
- 18 GM: You guys remodel in here? It seems pretty nice for an older house.
- 19 JY: Yeah, we just kinda upgraded everything. What it is, is they had the drop ceiling.
- 20 RA: Right, uh-huh.
- 21 JY: I just pulled the drop ceiling out.
- 22 RA: Did you do all the work yourself?
- 23 JY: Yeah.
- 24 GM: It looks pretty clean.
- 25 RA: Well as long as you said I did.
- 26 JY: Hell yeah I did.
- 27 RA: It looks good though.

28

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Reviewed by Det. Rob Alexander

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November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah.

2 RA: It looks good. At any rate we're following up on a, on a case where some uh
3 interviews we been working on a case for probably about two or three months.
4 We've talked about three people, um, they keep telling us that you lived in
5 Lucerne Valley back in 19, back, back in the mid 80's. So we're out talking to
6 everybody who lived in Lucerne Valley trying to get additional information um, the
7 case is, it's a homicide case.

8 JY: Really?

9 RA: And I'd like to show you a couple of photographs see if you recognize anybody,
10 see if you can help us out. Is that cool?

11 GM: How long you been living here?

12 JY: Um, about six or nine months, yeah about six months.

13 RA: Did you buy right at the peak or

14 JY: No, that's my father in-laws house.

15 RA: Oh, ok, lucky. (showing a photograph) Do you know him?

16 JY: No, I don't know him.

17 GM: That's Bruce Nash.

18 RA: Bruce Nash, yeah.

19 JY: Uh-huh.

20 GM: That's Angela?

21 RA: That's Angela Neete. Do you know?

22 JY: Um, yeah, yeah we um, used to rent from her, me and my wife and a, had a kid.

23 GM: Rita Cobb?

24 RA: Rita Cobb?

25 JY: Yeah.

26 RA: Out in Lucerne Valley?

27 JY: Uh-huh.

28

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Reviewed by Det. Rob Alexander

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November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Ok, how long did you live out in Lucerne Valley?
- 2 JY: Um, I lived in there right after we got out of the military and uh, I guess about five
3 or six years.
- 4 RA: When was that? What time frame?
- 5 JY: It must have been maybe three, four, five, about 85, uh, 90 or 91.
- 6 RA: What did you do out there for - - some type of job I mean it's pretty (overlapping
7 conversation)
- 8 JY: Well I work in construction. My dad lives out there In uh Trade Post Road.
- 9 RA: Your dad lives in Lucerne Valley?
- 10 JY: Oh, yeah.
- 11 RA: In the same spot that he lived for the last twenty years?
- 12 JY: Yeah.
- 13 RA: Really? So you rented from Rita?
- 14 JY: Uh-hum.
- 15 RA: Tell me about Rita. Tell me about her.
- 16 JY: Um
- 17 RA: We are investigating her murder.
- 18 JY: Yeah, that's what I had heard that she had been murdered, um, I just rented a,
19 she had a front house and we rented the back house from her.
- 20 RA: How long did you guys rent?
- 21 JY: I don't know probably eight months I mean we moved into the house right down
22 the street from her.
- 23 RA: (Inaudible) who did she hang out with? Who were her friends, who were. . . .
- 24 JY: You know she uh, I never really man I just rented from her um, God I can't
25 remember the name of the this family out there that did a lot of uh, I don't even
26 remember their names. There was a, a family of brothers that a, they're
27

28

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Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 troublemakers. I can't remember the frigging last names of them, um, Valdez or I
2 don't remember.

3 RA: Uh-hum.

4 JY: But anyways uh, two of the guys you know they were about her age she would
5 date.

6 RA: Uh-hum.

7 JY: or they were at her house, uh. . . .

8 RA: Two of the brothers, are they half brothers?

9 JY: I don't really, I don't think their last name was Valdez I'm thinking um, I don't
10 remember their last name though. I could talk to my dad and he'd come up with
11 their name. Yeah, well there was one of em that uh, kept coming around and uh,
12 she had asked me to ask them to leave one time but

13 RA: Uh-hum.

14 JY: other than that you know just

15 RA: Was he, was he bothering her or something?

16 JY: I guess he was like a nuisance to her you know.

17 RA: Did she live by herself? I mean who else lived with her?

18 JY: I was under the impression she had lived by herself. Oh, God damn it I can't
19 remember the name. Uh, one of the guys worked with us for a little while worked
20 with me and my dad.

21 RA: Uh-hum. How long did you rent you said that she had uh, a place behind her
22 house?

23 JY: Yeah, she had a

24 RA: Was that like a apartment, a duplex, or

25 JY: Yeah, uh, here let me. . . .

26 GM: Did the detectives, did the detectives talk to you back then cause we're missing a
27 lot of paperwork from the investigation. We're trying to put it together.

28

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Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Somebody had came and uh, uh, yeah they came to by dad's house and, and
2 talked to me and uh, I gave him some information based on uh, I remembered the
3 guys name then but it was - - (inaudible).
- 4 JY: But she had a, her house was set up like this and then she had like a little
- 5 GM: I got this.
- 6 RA: Video pack here.
- 7 GM: Maybe you can help us out here. We're not really familiar with Lucerne Valley but
8 here's, you got a pencil?
- 9 JY: Her road came down like this. This is 18 and. . . .
- 10 RA: Highway 18, right?
- 11 JY: Yeah, and her place is set up like this right here. This is what we rented and this is
12 where her house was.
- 13 RA: So Rita, could you write Rita there so I don't forget cause I might, I might forget.
14 Ok, and then you and your wife, what's your wife's name?
- 15 JY: Uh, Holly.
- 16 RA: Holly, you guys still together?
- 17 JY: No, no we split up for fifteen years.
- 18 RA: Oh wow (inaudible). It's been quite a long time huh?
- 19 JY: You know and then while we were there you know I just uh, I'd do little
20 maintenance things up inside there for her and. . . .
- 21 RA: To help her out?
- 22 JY: Yeah.
- 23 RA: Cause you kind of a handy guy you do construction stuff.
- 24 JY: Yeah.
- 25 RA: Right. Now, was she killed while you were living in that apartment back there?
- 26 JY: Not that I know of, no.

27.
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Ok, maybe that's like Greg said there's a couple of reports that are missing from
2 the original investigation um, obviously we don't we didn't know that you had been
3 talked to before.
- 4 JY: Yeah.
- 5 GM: We're actually missing a lot. (overlapping conversation)
- 6 JY: There was a detective uh, a private investigator or something like that. My dad is,
7 said that he took on the case and
- 8 GM: We don't have any of that.
- 9 JY: a penny was gonna solve the crime or something.
- 10 GM: Who?
- 11 JY: That he was gonna do uh, solve the crime for a penny or some shit like that I don't
12 know.
- 13 RA: Wow, really? How long did you, Holly, Holly, um how long did you guys live in that
14 apartment?
- 15 JY: I'd say about six or eight months or something like that. It wasn't very long.
- 16 RA: It was just something to tide you over until you got another place?
- 17 JY: Yeah, cause like right up the street down over here uh, there was a dirt road and
18 there was a house down over here we were renting.
- 19 RA: You mean from someone else?
- 20 JY: Yeah, another house.
- 21 RA: A bigger place?
- 22 JY: Yeah, yeah absolutely cause this one was, was just like a big studio. It was just a
23 big room with a, a bedroom, uh I mean a kitchen and the bathroom.
- 24 RA: It was reasonable?.
- 25 JY: Pardon?
- 26 RA: It was reasonable rent?
- 27 JY: Um, it, I don't remember, I was making like eight dollars and hour you know so. . .

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#A1672

November 23, 2010

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: What kind of work were you doing?

2 JY: Hanging doors.

3 RA: For your dad?

4 JY: Yeah.

5 RA: You're dad has a pretty good business out there?

6 JY: Well it was I mean it was just you know something to do at the time when uh, we
7 became business partners and then it changed from there.

8 RA: Tell me about, more about Rita I mean who was, who were her friends, who did
9 she hang out with I mean you guys lived

10 JY: We lived right there I mean dude I, I worked from sunup to sundown and uh, I
11 seen her periodically on the weekends just to pay her rent but she was like in a,
12 like a Moose Club or Lion's Club or some shit like that and I just never really saw
13 her very often.

14 RA: Was that a pretty good likeness of her with that photograph?

15 JY: Uh. . . .

16 RA: Did she have a, a boyfriend?

17 JY: That's what I was trying uh, say earlier these two guys God I can't remember their
18 names um, I mean if you don't mind I'll call my dad right now we can get the last
19 names. There was a two guys and two brothers that uh, I guess that she was, you
20 know going to be with and then the one I, he was drunk you know and uh, I was
21 pulling out of the driveway one day and he was out in the front you could see him
22 and she'd wave me in and asked me could I, could I ask this dude to leave.

23 RA: Uh-huh.

24 JY: and that's what I did.

25 RA: What, what happened?

26 JY: Nothing, I just told him say hey dude you need to be that you know, get out of
27 here, kick rocks and he goes I wanted to talk to her or something I don't even

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 remember all he was just you know she doesn't want you here. I live here and he
2 split.

3 RA: And he left?

4 JY: Yeah.

5 RA: Was there any other problems?

6 JY: (Inaudible).

7 RA: After you guys moved did you, did you have anymore contact with Rita? Did you
8 go over for barbecue's or hang out with her or stuff like that?

9 JY: No, I just seen her occasionally once in awhile you know like we'd see her at the
10 gas, uh, the, the market in town. She'd ask me to come over and do some repairs.
11 You know her door's sticking or, or her uh, uh, bathroom faucet was dripping,
12 they're just little things. It wasn't very much. It wasn't very often. It wasn't all the
13 time. mostly...

14 RA: How about her friends? What, what can you tell me about her friends?

15 JY: Dude really I wasn't, wasn't into her you know what her relations were or anything
16 like that I'd only known that one incident and I told that uh, the detective or some
17 the same thing when he had asked me. I gave him the name God I can't
18 remember Dalperding (sp?), Dalperding (sp?) um. . . .

19 RA: That's the name of the detective, Dalperding (sp?)

20 JY: No, the family out there. I went to school with one of the kids. That's the only thing
21 I can think of is uh, that one incident where this guy was like trying to get it, get to
22 her or get in her house you know and uh, what I was leaving that one day. I was
23 going to town get something and uh I noticed her in the door, her window I forget
24 what it was, waiving at me and asked me if I could uh, I got out and went in and
25 asked her what was going on and then she goes can you have him leave, that
26 was it.

27 RA: Did he ever comeback again or

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: I didn't, no cause we moved after that shortly after and then uh, I'd see her in town
2 couple of times at the, at the little Lucerne Market and uh, she had asked me if I
3 could uh, you know come by and do some, some things. I don't even think she
4 even rented that back out anymore. I think she turned it back into a storage or her
5 son was gonna move in or

6 RA: Uh-hmm.

7 JY: I don't even remember the name

8 RA: Did you grow up out in Lucerne Valley or

9 JY: I went to school out there for a little while.

10 RA: What kind of school, like high school, trade school?

11 JY: Yeah, it was high school. Yeah, for a couple of years I went to Apple Valley.

12 RA: And so they bused you from Lucerne Valley to Apple Valley High School?

13 JY: Yeah.

14 RA: Wow, that must have sucked.

15 GM: Oh wow.

16 RA: What did you guys do out there for, for entertainment, for fun?

17 JY: Um, ride dirt bikes and they had a little uh, arcade or a uh, uh, yeah it was like a
18 little arcade and uh we'd go down there and uh,

19 RA: Cause we'd been out there and we told you we talked to about. . . .

20 JY: There ain't nothing out there.

21 RA: We talked to about thirty people out there and um. . . .

22 GM: There's nothing. . . .

23 RA: I don't know what you would do out there myself, um, unless you had a pool in the
24 back yard or something in the summer time.

25 JY: My dad had had horses you know. He'd get into the Gymkhana but I didn't do any
26 4-H or anything like that though you know. Playing around with the horses and I
27

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 worked out at the little chicken ranch right out, Rabbit Springs Road I think that
2 what it is,

3 GM: I think we're on that road one time.

4 JY: Rabbit Springs Road and it had a

5 RA: Is it kind of a long road?

6 JY: Yeah, every road there is long.

7 RA: It's like...

8 JY: My dad was very short you know as far uh, my behavior was out of line, uh, me.
9 and the kids would party after school and sometimes he was like you need to get
10 out I've had enough of you. Pack your stuff up and go back to your mom's. I, I
11 didn't even finish high school I think I was out there for about a year and a half in
12 high school.

13 RA: Uh-hum. Where did your mom live?

14 JY: Um, Hawaiian Gardens in Long Beach or something like that.

15 RA: Oh, so from this area.

16 JY: Yeah.

17 RA: It's a little bit nicer here than. . . .

18 JY: Yeah.

19 RA: I mean I guess it all depends on what you want to do right? If you want a quiet
20 desolate, no neighbors, Lucerne Valley's probably perfect.

21 JY: Yeah.

22 RA: Everybody knows everybody's business out there.

23 JY: Yeah. That's um, that's crazy that uh, she had gotten killed but there was the thing
24 I was I had moved away or something like that uh, or we were in the process of
25 moving away or something I forget but anyway cause I remember uh, uh, my dad
26 had mentioned something to me he was, we were in the process of moving down
27 here to uh, we moved to Lynwood to uh, my mother-in-law's (inaudible) house.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: When you were living there?

2 JY: Um, yeah we were, we had all ready moved out and we were in the process of
3 moving down here. God that was such a long time ago, I can' recall back quite
4 that far but um, yeah, we were in the process of moving down here and uh, I'd
5 come back up and my dad said, "hey something happened Rita had gotten killed
6 or something I just, wow what a trip.

7 RA: Kind of a shocker especially since you used to rent to her or you used to rent from
8 her.

9 JY: Yeah.

10 RA: Now was she, was she descent lady or

11 JY: Yeah, she was very polite, very proper you know she wasn't, she was polite she
12 was very proper.

13 RA: So you left Lucerne Valley to go you said in the military? Is that what you said?

14 JY: No, I left the military to come and uh move up to Lucerne Valley. I left the military
15 in um, first I moved down here into uh, thought it was South Gate or Lynwood or
16 something like that. I was supposed to go and work for my dad and then uh, he
17 said there was nothing and it had just gotten really bad where I had nothing as far
18 as employment you know I had a wife and a kid and he gave me a shot and I went
19 up there and worked for a about eight dollars an hour.

20 RA: Uh-hum, tight to make it on eight bucks an hour huh?

21 JY: Yeah.

22 RA: You gotta run a tight budget or else your wife has to work, one of the two even
23 back then.

24 JY: Yeah.

25 RA: So living in the, the rental here it was you your wife and you said you have a child?
26 (overlapping conversation)

27 JY: My son.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Your son, what's his name?
- 2 JY: John.
- 3 RA: John, how many kids do you have?
- 4 JY: I got six now. I have with my first wife I had two kids John and Jasmine and then
5 uh, my second wife I had three kids, Joseph, Kenneth and Breanna.
- 6 RA: What was her name?
- 7 JY: Alicia.
- 8 RA: So your, with Alicia you had Joe. . . .
- 9 JY: Kenneth and Breanna.
- 10 RA: Kenneth and Breanna.
- 11 JY: Yeah.
- 12 RA: That makes five kids.
- 13 JY And I married this wife here and she had one so that makes six.
- 14 RA: And this is your current wife right now?
- 15 JY: Yeah.
- 16 RA: What's her name?
- 17 JY: Melody.
- 18 RA: Melody and that's what's that child's name?
- 19 JY: Sarah.
- 20 RA: Is that a, an adopted child or stepchild?
- 21 JY: No, that's hers.
- 22 GM: You've been staying busy, wow, a lot of kids.
- 23 RA: Is she a good kid?
- 24 JY: Uh-hum.
- 25 RA: Good girl?
- 26 JY: Yes. I can't remember the, it's like right there. You know how you got the names
27 right there and just

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 RA: Uh-hum, it's right on the tip of your tongue but just can't quite get it out.
- 2 GM: I'm sorry I, I was looking down John Jr. lived here with you and Holly?
- 3 JY: Yeah, yeah.
- 4 GM: Ok, how old was he?
- 5 JY: Uh, a year and a half, two years?
- 6 RA: You had him, before you moved back from the military?
- 7 JY: Oh yeah.
- 8 RA: Right?
- 9 JY: Yeah.
- 10 RA: So you are in the military and have a child and is that where you met Holly from?
- 11 JY: No, I met Holly from uh, school.
- 12 RA: You went to high school together?
- 13 JY: Yeah.
- 14 RA: Like high school sweethearts?
- 15 JY: Kinda, it's a long drawn out story.
- 16 RA: It doesn't sound like your split was a, a pleasant split I guess that's the best way to
- 17 put it.
- 18 JY: Uh-uh.
- 19 RA: What's she doing now?
- 20 JY: Nothing, living in Canada I guess I don't know. (inaudible)
- 21 RA: So, you don't keep in contact even through the kids?
- 22 JY: Uh-uh, the kids don't even keep in contact with her.
- 23 RA: How come? Does she have her own problems?
- 24 JY: Yeah, well we both split up uh, it's a bad story.
- 25 GM: Sounds like it.
- 26 RA: Sounds like it probably pretty tough on the kids too.
- 27
- 28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, it was pretty tough on them. I had to uh, me and my son got a good
2 relationship and then uh, me and my daughter we got a good relationship from my
3 first wife.

4 RA: Jasmine?

5 JY: Yeah.

6 RA: Ok, I'm trying, trying to get the list going down of all the kids.

7 JY: Yeah.

8 RA: So what else can you tell us about uh, about Rita?

9 JY: Uh, she was a nice lady, man ya know, she was a nice lady. I heard so many
10 things about how she had gotten killed. I was like. . . .

11 RA: What kind of things did you hear?

12 JY: Um, my dad said something about a, a

13 RA: What's your father's name?

14 JY: George.

15 RA: George.

16 JY: Um. . . .

17 RA: Same last name?

18 JY: Yeah.

19 RA: Ok, I know it seems like a funny question but nowadays uh, I have to ask the
20 question. (overlapping conversation)

21 JY: Nylon or something she was killed with a nylon or something I don't even

22 RA: Killed with a nylon?

23 JY: Yeah, pantyhose, nylons.

24 RA: Is that, how did your dad know about that?

25 JY: That's what he said he had heard somebody had killed her a nylon or some shit.

26 RA: When did he tell you that?

27 JY: (Inaudible) (overlapping conversation)

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: Hi, how are you?

2 RA: Melody? Melody? Nice to meet you. This is, I am Rob. This is Greg. Yes. . . .

3 JY: Yeah, they're investigating something I guess uh, uh the lady that I had rented
4 from had been killed and it had never gotten solved and I guess they're working
5 on the case and they're trying to find paperwork and some of it's missing and

6 RA: There is a lot of people that um, that lived out in that area that were never talked
7 to or if they talked to them we don't have the paperwork saying that they were
8 talked to so that's why we're here talking uh, with John right now see if he can
9 help us out.

10 UN: Ok.

11 GM: Nice meeting you.

12 RA: It was nice meeting you.

13 JY: I'm trying to remember the name that's the only altercation that I had ever seen
14 her have you know I mean. . . .

15 RA: Did she date guys her own age or younger, older I mean I know a lot of people
16 have uh, preferences and stuff like that like your wife I would say that there can't
17 be too much of a difference in your age maybe five years at the most.
18 (overlapping conversation)

19 JY: No, that's um. . . .

20 RA: But some people date guys that are young.

21 JY: The dude, the dude was about her age. You know he was older than me. I'm
22 trying to remember his name. It's just a family name, uh, I swear (inaudible).

23 GM: I think we have that name so I think we know who you're talking about.

24 JY: Cause uh, four or five or six uh everybody in town was just scared to death of em.

25 RA: Why is that? Just bad characters or

26 JY: Uh, yeah violent. Um, leave your card I'll tell my dad uh, uh, what's going on and
27 see if he can come up with a last name.

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 GM: I think we have it.
2 JY: He lived out in um. . . .
3 GM: Cause, we have actually been told about this person by some other people so
4 yeah, we're talking about the same person.
5 JY: The (Inaudible) Barstow Road.
6 RA: That's the back road from Barstow into Lucerne, correct?
7 JY: Yeah.
8 RA: Ok.
9 JY: Eighteen comes through Barstow but it runs out this way. Somewhere right out in
10 here in the valley.
11 RA: Uh-hum. That's where these guys live.
12 JY: Yeah, they lived out in uh, I forget what it's called and that's all I hear some shit
13 like that. It's off of Barstow Road.
14 RA: Uh-hum.
15 JY: And it's a (inaudible) one of the brothers and then uh, he worked with me and my
16 dad for a little while.
17 RA: What other kind of things did your dad tell you happened he said he told you
18 some various rumors?
19 JY: Um, just that somebody had killed her with a nylon or some shit I couldn't
20 remember for sure.
21 RA: Did they say how they did it with a nylon and what, what was actually done or .
22 They had to have been a lot of a lot of talk back then. It's a small community.
23 Things like that don't happen that often.
24 JY: I didn't hang a round anybody you know I you know I was pretty much to myself
25 with my uh, my wife and my kids and then uh, I had a couple of other friends that
26 uh, I hung out with (inaudible). I didn't, I didn't go to the Moose Lodge's or you
27 know Lion's Club.

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 RA: And what are those? The Moose Lodge and Lion Club I mean is that like the big
2 activity out there to go to those?

3 JY: Yeah, just some of the people there is stuff that uh, people get involved with?
4 (Phone ringing)

5 RA: But you weren't a member of it?

6 JY: Uh-uh.

7 RA: Was your dad a member of the Moose Club and Lion's Lodge and. . . .

8 JY: Yeah, he is he's a member of the Moose Club. (overlapping conversation)

9 UN: Hello? Good morning.

10 GM: Moose Club, you said the Moose Club what's the other ones?

11 JY: The Lions and then the uh, the VFW. I think this, she hung out with the VFW.

12 RA: What kind of places are those? I mean what, what do you do there? What

13 JY: Did uh,

14 RA: I've never. . . .

15 JY: They, they have banquets and just basically bar.

16 RA: So it's a local social scene.

17 JY: Yeah.

18 RA: Where people get together and socialize there, um, did Rita go to those places?

19 JY: Now that I mention it I, I think that she did go to the VFW but again I didn't keep
20 tabs on her.

21 RA: Right, how about your dad? Did you dad go there?

22 JY: Yeah.

23 RA: He was. . . .

24 JY: Yeah, I remember uh, that he had gone to what the VFW and then uh, the Lions
25 Club. Right now he's uh, I think it's the Lions Club that's in charge of the range,
26 the firing range down there.

27

28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 RA: Ok, like it had skeet shoots or turkey shoots stuff like that. (overlapping
2 conversation)
3 JY: Yeah, yeah. It's pretty sad (inaudible) it's, there was never really anything to do,
4 you know?
5 GM: Out there?
6 JY: Yeah.
7 RA: Did you grow up around guns when you were younger?
8 JY: Uh-uh.
9 RA: No.
10 JY: I mean there was guns.
11 RA: Your dad, so your dad was involved with that stuff but he never took you shooting
12 or anything or
13 JY: Yeah, I even went shooting I just you know
14 RA: It just wasn't your thing.
15 JY: No, I had, I was only but it was just you know we'd go out and go quail hunting
16 some other bullshit.
17 RA: So you had like a little twenty-two or a pellet or something like that growing up?
18 Well, back then it wasn't a big deal I guess to give your son a gun and let him
19 cruise around the desert and do his thing.
20 JY: Uh-uh.
21 RA: What, what kind of things did you do in the military? What was your job?
22 JY: Uh, Nike Hercules Missile Crewman.
23 RA: A what?
24 JY: I worked on a nuclear missile.
25 GM: Wow!
26 RA: Wow!
27 GM: Sounds interesting.

28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 RA: How did you get that job? Just, cause it sounded interesting or they just stuck you
2 there?
- 3 JY: Well it was something that my brother had done and I started off in it and then I
4 had traded of into air defense.
- 5 RA: You didn't like the Hercules Missile?
- 6 JY: No, it wasn't that. What they did was they phased it out. They phased out the
7 Hercules Missile and the Persian.
- 8 RA: Oh, ok so you had to be retrained to work on the new . . .
- 9 JY: Yeah.
- 10 RA: Missile.
- 11 JY: Yeah, correct.
- 12 RA: The new thing.
- 13 JY: No, I, I trained into a different job. The thing with the military they only guarantee
14 to train nothing specific. It's not that you're gonna work in that job.
- 15 RA: Right, cause I was in the military uh, back in the early 80's and I was in the Navy
16 though, uh, but I worked on electronics, I worked on radios and transmitters and
17 receivers and radar systems and crypto systems so I know um, that when they
18 generally send you for training it, for me it was a long time. How long was your
19 training?
- 20 JY: Um, thirty-two weeks for basic and then my AI key and then uh, I did an additional
21 sixteen weeks for a Chaparral Crewman.
- 22 RA: Hmm, I imagine it's probably pretty much the same way that we did it where it's
23 you go to class eight hours a day and uh, you do all your training there.
- 24 JY: Correct.
- 25 RA: Where did, where was that training at?
- 26 JY: Ft. Bliss, Texas.
- 27 RA: Good place?

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DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 GM: Humid huh?
- 2 JY: Yeah, some days it was fucking hot.
- 3 RA: I was up in Illinois, freezing cold. I had never been so cold in my life.
- 4 GM: How long were you in the military?
- 5 JY: Uh, about five years, six years.
- 6 RA: That's a long time.
- 7 JY: Eighty-two to eighty-six, yeah, some like that.
- 8 RA: So you did like a full tour? I think back then in the contracts . . . (overlapping
9 conversation)
- 10 JY: What I did was I enlisted for three years and then I reenlisted for more so I can go
11 to a Europe Command Sponsor.
- 12 RA: Uh-huh.
- 13 JY: And then my wife didn't show up and I ended up getting out of the military before
14 the, my extension date?
- 15 RA: So what, where in Europe did you go?
- 16 JY: Um, Frankfurt, Downhausen (sp?), (inaudible).
- 17 RA: That's in Germany, right.
- 18 JY: Yeah.
- 19 GM: Wow!
- 20 JY: (Inaudible).
- 21 GM: Sounds interesting.
- 22 JY: Yeah, it was pretty cool.
- 23 RA: A lot of good memories.
- 24 JY: Wish I'd a stayed in.
- 25 RA: Why is that?
- 26 JY: Life was easier you know but you don't know what you have until it's not there.
- 27 RA: Until it's gone?

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(v) Rita Cobb

1 JY: Yeah.

2 RA: Cause there you just gotta show up to work and do your job and they're happy
3 with you right?

4 JY: Yeah.

5 GM: Is Holly the one you were married to in the military?

6 JY: Uh-hum.

7 GM: Ok, she's the one that didn't show up.

8 JY: Yeah.

9 GM: When you went overseas.

10 JY: Yeah, was back here uh, with her high school sweetheart.

11 RA: She had a boyfriend on the side then?

12 JY: Yeah.

13 RA: That must have been pretty stressful?

14 JY: Yeah, it was fucked up.

15 RA: How did you handle something like that cause I don't know what I would do?

16 JY: Uh, I got out dude and uh, just worked right through it you know, uh . . .

17 You ever go to Europe?

18 RA: No, when I was in the military they took us to the shittiest places in the world. I
19 went to Bangladesh. I went to uh, anyplace that you could think of that was a third
20 world country that's where I went. So, I was in there for six years like you were.

21 RA: Yeah, but I was on a ship so I, they took us all over the place and we'd stay a
22 week here and a week there and you know two weeks was the longest place we'd
23 ever go. For me it wasn't uh, it was interesting but uh, as far as going to cool
24 places where I could you know get immersed in the culture or check it out or, or it
25 wasn't like being on vacation, not at all. So we didn't live off the economy. We
26 didn't you know it wasn't like that.

27 JY: Huh.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: We just kind of bounced around like nomads.

2 JY: Yeah.

3 RA: Whereas, what branch were you in?

4 JY: Army.

5 RA: In the Army? In the Army you actually get to go to a base and you stay at the base
6 for a little while.

7 JY: Yeah.

8 RA: Couple of years right?

9 JY: Yeah.

10 RA: And we had to do what's called seashore rotation where we go out to sea and at
11 the time my job was five years at sea, two years on shore. Good rotation, huh? If
12 you were a woman it was exact opposite. (overlapping conversation)

13 GM: That, that will cause a divorce.

14 RA: Yeah, we were gone all the time so for me it wasn't, it wasn't, it was interesting
15 and I got some good training out of it but uh, it wasn't something I wanted to do for
16 the rest of my life.

17 JY: Yeah.

18 GM: So, you guys got divorced but she's the one that lived with you in Rita's back
19 house, Holly?

20 JY: Yeah.

21 RA: And both your kids too?

22 JY: Just one.

23 RA: Just one kid, John?

24 GM: John Junior.

25 JY: Yeah, John Junior. Jasmine hadn't been born yet.

26 RA: When, when was she born?
27

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DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Uh, she was born after we moved over to here and I was in that house for a
2 couple of years.
- 3 RA: Really? And then from here from this house over here you moved down to
4 Lynwood at your in-law's place?
- 5 JY: Yeah.
- 6 GM: Well did they have hospitals back then out there or?
- 7 JY: No, uh the baby was born in uh, Apple Valley.
- 8 RA: Did you have to go by ambulance or I mean. . . .
- 9 JY: No, I mean we just took her and drove her in.
- 10 RA: So you already knew that she was in labor and it was time and you had to do your
11 thing.
- 12 JY: Uh-huh.
- 13 RA: Any other kids born in that house?
- 14 JY: Uh-uh.
- 15 RA: No?
- 16 GM: How long had you guys been living there when Jasmine was born?
- 17 JY: Um, I don't know probably about nine months or so.
- 18 GM: Ok.
- 19 JY: She was about two when we moved down here to the city and then we battled
20 trying to make the relationship work down here. It was about three when it
21 probably ended.
- 22 RA: So how long were you and Holly together?
- 23 JY: About eight years.
- 24 RA: That's kind of a long time actually you know, eight years. Some, some marriages
25 don't even last that long nowadays or relationships don't.
- 26 GM: What street is that?
- 27 JY: I really remember I don't

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Is it a named road or just a dirt road?
- 2 JY: It was a dirt road. It's a named dirt road.
- 3 RA: Cause I know sometimes out in the outlying areas like that like Lucerne or uh,
4 Newberry Springs or Adelanto or some of those out, you know smaller rural areas
5 like that there's a lot of roads but there is no signs on the road.
- 6 GM: We drove a lot down dirt roads the last couple of months.
- 7 RA: We're way up in the hills in Lucerne driving around in circles he couldn't believe
8 me he kept telling me that's a road and I said, "no that's a wash we better not go
9 back in there.
- 10 GM: But there are houses back on some of these roads like 4 by's could only get to.
11 It's, it (overlapping conversation)
- 12 JY: It is a dirt road right here. (overlapping conversation)
- 13 GM: I'm a city guy I'm not, I'm not used to that.
- 14 RA: There is what now?
- 15 JY: Uh, there used to be a dirt road that I'd come right down along this right here to
16 get to my house.
- 17 RA: Oh, really why is that?
- 18 JY: It was just easier. Pretend this was a wash.
- 19 GM: What's north, south, east and west? I know there's all I know is 18 and 247.
- 20 JY: Over here is Big Bear and over here is Barstow and I'm not sure about that.
- 21 RA: So that would be north and south then, right?
- 22 JY: Yeah, I'm lost Barstow is further, I know Barstow is further north and Big Bear is
23 gotta be further south.
- 24 RA: You wrote, you just drove a road this way. . . .
- 25 JY: Uh-huh.
- 26 RA: Was that a marked road or was it like . . .
- 27 JY: Just a dirt road.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Just a dirt road. Probably pretty crappy road too. They have roads on this side of
2 the freeway too?

3 JY: Yeah, they got dirt roads everywhere.

4 RA: You used to ride dirt bikes out there so you probably know all the little, all the little
5 dirt roads out there, right? Growing up as a kid, probably just tooted it all over the
6 place.

7 JY: Yeah.

8 GM: When you lived with Rita what was her like schedule everyday where, what, what
9 this lady do?

10 JY: She always had some community thing when she was doing I again I don't know
11 what it was.

12 RA: Did she work? Did she have a job? Or was she retired or what, what was her
13 deal?

14 JY: Gee I don't remember.

15 RA: Cause I know sometimes when people get I mean she looks like she's a little bit
16 older there but when people get older they'll have a rental and they're on social
17 security or they're just or they're a, they're pension or whatever it is and then
18 they'll rent a place out like this for a little bit of extra money and they just kind of
19 cruise and do whatever they want to do. (overlapping conversation)

20 JY: I thought she was retired from someplace but I'm not really sure.

21 RA: Uh-hum. Did she, did she work?

22 JY: I don't think so.

23 RA: So you never saw here get up every morning and go to a job. (overlapping
24 conversation)

25 JY: No, I, from sunup to sun sundown you know I just I work all the time you know
26 cause our jobs would be in Barstow or Victorville or Apple Valley, Adelanto,
27

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DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 Needles, we went fucking everywhere, San Bernardino on the other side of the
2 mountain.

3 GM: Oh wow!

4 RA: So you would drive from place to place basically with your dad? So he doesn't
5 strictly work in Lucerne he goes wherever the job takes him? (overlapping
6 conversation)

7 JY: (Inaudible)

8 RA: Who did she hang out with I mean what social events was she involved in?
9 (overlapping conversation)

10 JY: I don't really (inaudible).

11 RA: Who would she have. . . .

12 GM: You didn't party with her or anything like that?

13 JY: Nah, none of that.

14 RA: So, the way you're making it sound, it sounds like it was almost strictly a renter uh,
15 rentee relationship like she owned the place you rented it. You and your wife and
16 your son lived there and other than that there was no other interaction between
17 you and Rita or Holly and Rita or Rita and your, your grand or your, your son or
18 anything.

19 JY: No, she didn't watch my kid and her and my wife that I know of never hung out or I
20 dude don't know I was gone all the time.

21 RA: But she didn't come over just to you know how some ladies are real into kids and
22 they'll make a big fuss over any kid like it's their grand kid and they'll try to spend
23 time and volunteer to watch the baby that you and your wife could go out and
24 have a dinner or catch a movie or something like that.

25 JY: Not really it wasn't like that, no.

26 GM: She never watched the kid.

27 JY: Not that I would remember dad was always in town or something like that.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 GM: That's true.
- 2 RA: What's that?
- 3 JY: My dad was always in town for something like that.
- 4 RA: Well I could see why you'd use your dad. Would your dad watch the kids for you if
5 you needed it?
- 6 GM: What about troublemakers back then anybody I mean we've spoke to a lot of
7 deputies who worked back there in the 80's and they've identified a lot of people
8 who were troublemakers who maybe responsible for something like this. We've
9 talked to people in the older crowd we're trying to talk to people in the younger
10 crowds like you. Anyone you can
- 11 RA: Any direction you can point us in?
- 12 JY: Just that one guy's name you know but I can't, I can't remember.
- 13 RA: You can't remember?
- 14 GM: Well what kind of car did Rita drive? Cause we're missing some of that stuff.
- 15 JY: a larger car.
- 16 RA: A large car?
- 17 JY: (Inaudible)
- 18 RA: Like a Buick or a
- 19 JY: A Cadillac or a
- 20 RA: Do you know what color, what color it was?
- 21 JY: Gray maybe? I don't know.
- 22 RA: Where did she normally park it? Some people have garages some people park
23 them in the front yard.
- 24 JY: I think she had a garage?
- 25 RA: Some people have driveways but they still park the car on the grass.
- 26 JY: (Inaudible)
- 27 RA: In the garage? What kind of car did you drive back then?

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: What kind of car?
- 2 RA: What kind of car did you have back then?
- 3 JY: Um, a Toyota pick up. Something that could carry tools and get my family around.
- 4 RA: Got descent gas on it too you weren't spending all your money on gas even
5 though it was a \$1.25 back then or maybe even less that that. (overlapping
6 conversation)
- 7 JY: Yeah, it was much cheaper.
- 8 RA: Who, who else could we go talk to in Lucerne who is in the know who knows
9 everybody out there?
- 10 JY: Uhhhhhhh....
- 11 RA: If you were us who, who should we go talk to?
- 12 JY: See I wouldn't even know, uh, I wouldn't even know. I don't even remember half
13 the names of people out there.
- 14 GM: Does your dad know some of the people we've already been talking too
15 (inaudible).
- 16 RA: Yeah, would your dad know or. . . .
- 17 JY: Yeah, my dad would probably have a clue. He's more in her age group.
- 18 GM: Any, beside, or what color was your Toyota pick up truck?
- 19 JY: Um, thought it was cream.
- 20 GM: What other cars did you have?
- 21 JY: I don't know, I had an old Toyota well it's, it's a cream color Toyota (inaudible)
- 22 GM: Cause I think there is something in there about a Pinto?
- 23 JY: Yeah, I did as a matter of fact I had bought a Pinto from (inaudible).
- 24 GM: What kinda, what year, what color. . . .
- 25 JY: It was a blue Pinto. Yeah, it was a so she could a have transportation.
- 26 RA: Light blue? Dark blue?
- 27 JY: Blue, dark blue.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: Dark blue? Good car? Bad car?
- 2 JY: Well she kept the car you know but she didn't have a license she didn't know how
3 to drive you know it was. . . .
- 4 RA: I don't think I've seen a Pinto in years.
- 5 JY: Me neither you know it's been a long time.
- 6 RA: Their not around anymore.
- 7 JY: I don't know we split up and I sold it.
- 8 RA: She didn't take it with her.
- 9 JY: No she still didn't have a license.
- 10 RA: So you get, you still have that vehicle when you guys split up?
- 11 JY: Uh-huh.
- 12 RA: Wow, that's a long time. So are you, are you a mechanic you
- 13 JY: Yeah.
- 14 RA: work on cars too? (overlapping conversation) Let me throw a couple of names uh,
15 do you know Terry Radar (sp?)? She is someone that we should picked up we
16 could go talk to?
- 17 JY: Is it a lady?
- 18 RA: I don't know. How about Carol Tevass (sp?)? No? Ok, Daniel Cook?
- 19 GM: Wanna show him the photo's maybe, are you a face person or name person?
- 20 JY: I'm a face person.
- 21 RA: Oh, ok, here. Look through these uh, those are people that were talked way back
22 in the day um, you might recognize them from some of the business that I don't
23 know. But, those are some of the locals from Lucerne Valley that were talked to
24 back then um, (pause) Here let me see this real quick. Do you know Donald
25 Stone? How about Ed Lee? Edwin White? Francesca Drake?
- 26 JY: Uh-uh.
- 27 RA: No? Uh, Fred Holbrook? No?

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: You know what I mean I didn't socialize with the lady I didn't hang out with her.
- 2 GM: These are people that were interviewed back then. (overlapping conversation)
- 3 RA: These aren't all her friends. These are just people that the detectives spoke with.
- 4 How about Fred Holbrook, Senior? No? John Sullivan? Mage Ball (sp?) Marta
- 5 Cramer? Who's this guy? Rebecca Townsend? Ok, Richard Lash, anybody that
- 6 you worked or did some work at their house or anything like that?
- 7 JY: God, I can't remember it's been a long time.
- 8 GM: Yeah, a long time ago.
- 9 RA: Yeah we're almost out of photographs here. Uh, Ron Cobes, Cobbs (sp?) No,
- 10 nobody else? Sherry Halopa (sp?), Halopola (sp?), Halapola (sp?) Uh, Sherman
- 11 Henderson? No?
- 12 JY: Dude, I don't remember any of those people.
- 13 GM: You're just working.
- 14 RA: Cheryl. . . .
- 15 JY: Yeah.
- 16 RA: (Inaudible)
- 17 JY: All I was, was trying to build the business with my dad.
- 18 RA: Oh sure, I understand. Uh, Valerie Hernandez?
- 19 JY: Her name is, sounds familiar but (inaudible)
- 20 RA: Kinda sounds familiar to you. How about uh, Ronald Backoff? anything
- 21 (inaudible). No?
- 22 GM: When you rented from her, guys come over all the time?
- 23 JY: Just the, the two guys I that I had seen and mentioned.
- 24 GM: Besides those two?
- 25 RA: Was she sociable or
- 26 JY: Yeah, she was

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 RA: We're trying to get a, a basic overall idea of who Rita was, who she hung out with
2 um, who came over to her house, what her normal activities was, uh, most of the
3 people that we've talked to did not, in fact we haven't talked to anybody that lived
4 in the rental house you're the first one so um

5 JY: I didn't know that there was anybody else you know uh, I don't even remember
6 how we got the number it might have been off the bulletin board in uh, the market
7 there in town.

8 RA: So you were looking for a, were you staying with your dad when you were looking
9 for a place?

10 JY: Yeah.

11 RA: You had just got out of the military so you were looking for a place. There's
12 a local bulletin board, you probably working for your dad at the time.

13 JY: Uh-hu.

14 RA: Didn't want you used to do as a kid growing up. You work for your dad when you
15 were growing up?

16 JY: Yeah, he did construction, yeah. He was a door hanger.

17 RA: You found, you saw the advertisement and said hey let's go check this out.

18 JY: I don't even remember how I got that. My dad may have told me about it.

19 GM: The rental here?

20 JY: Yeah.

21 GM: Was your dad good friends with Rita?

22 JY: Hmm, I think they kind of traveled in the same circle.

23 RA: Over at the Legion and the Moose Lodge, the Moose Club? (overlapping
24 conversation)

25 JY: Yeah.

26 GM: What of the other bars I don't think we asked him that for socializing.

27 RA: Uh, Y-Saloon or the Y, the Y-Café?

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: I don't think she ever, I don't think she ever uh, occasioned I don't know. She
2 seemed more like the uh, the Lions Club or the VFW.
- 3 RA: What about you did, did you go to those type of places too? To hang out socialize.
- 4 JY: No, I'd go to the "Y" uh, with my dad and shoot pool or uh, the Moose Lodge and
5 they have little events, dinner was served, barn dances and
- 6 RA: Fundraiser stuff like that?
- 7 JY: Not really fundraising
- 8 RA: Things for the community.
- 9 JY: Uh-uh.
- 10 GM: You ever bump into Rita at the bars?
- 11 JY: (Inaudible)
- 12 GM: Cause we heard, I mean we don't know if it's true but we she kind of frequented
13 the bars and drank a lot.
- 14 JY: I, yeah I'd hate to say anything cause I don't wanna you know be lying you know.
- 15 RA: So you never drank with her or you never saw here while she was did the
16 drinking?
- 17 JY: Uh-uh.
- 18 RA: Well how about, how about when you were living over here did she ever invite you
19 over to have a drink you and your wife or
- 20 JY: (Inaudible)
- 21 RA: So she pretty much kept to herself then huh? I mean that's like kind of sounds to
22 me. She kept to your, herself you were probably busy your wife was probably busy
23 with the kids.
- 24 JY: Probably, I don't know.
- 25 RA: It's been a long time.
- 26 GM: She was probably a lot older cause you would have been. . . .
- 27 JY: Yeah, she was quite a bit older than I was.

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 RA: How old are you now?
- 2 JY: I'm forty-six. So she was twenty years older than I was.
- 3 GM: She was
- 4 RA: Wow!
- 5 GM: She's fifty-five?
- 6 JY: She's fifty-five.
- 7 RA: She's fifty-five so she would have been way older than you and Holly, yeah.
- 8 JY: Yeah.
- 9 RA: You probably didn't have anything in common at all.
- 10 JY: Not really. Just to pay the rent and
- 11 GM: How much was the rent? Fifty bucks a hundred bucks?
- 12 JY: It, it was um, three or four hundred bucks I'm not sure. It's
- 13 GM: Normal back then.
- 14 JY: Yeah
- 15 RA: So for whatever it was back then it was reasonable.
- 16 JY: Yeah.
- 17 GM: And who was the detective you think that talked to you?
- 18 JY: I don't know if it was a detective or a private investigator or who it was. I don't
- 19 remember. It was auh,
- 20 GM: So it wasn't anyone with a gun or a badge and uniform or dressed like us?
- 21 JY: No.
- 22 GM: Ok.
- 23 RA: Do you recall how long after uh, she was killed that - -
- 24 JY: Umm.
- 25 RA: That the investigator came around asking questions?
- 26 GM: Was it immediately or
- 27 JY: Maybe, maybe six months, maybe three months I'm not sure.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: At that time you'd already moved down here, right?
2 JY: Yeah, we were
3 RA: Down in Lynwood.
4 JY: Right.
5 GM: So was, you weren't here when you talked to the private eye?
6 JY: No.
7 GM: Ok.
8 JY: We were like in, I think maybe some of my stuff (overlapping conversation)
9 GM: I think you said you stayed. . . . (overlapping conversation)
10 JY: My stuff was still yeah we were in the process of moving.
11 GM: And you had been here I think you said almost a year or
12 JY: We had been about two years.
13 GM: At this place about two years? Ok -- and the private eye didn't talk to you when
14 you lived here?
15 JY: Uh-uh.
16 GM: So it would have been several years, several years after she died then.
17 (overlapping conversation)
18 JY: They got in touch, they got in touch with me through my dad.
19 GM: So it wouldn't have been three to six months after she died. It would have been
20 two to three years.
21 JY: Dude I...
22 GM: Ok.
23 RA: So they contacted your dad and your dad contacted you and said hey
24 JY: Yeah, they contacted my dad and like I said they were just asking everybody they
25 knew to ask in town. I don't how they came up with this.
26 GM: You were living in Long Beach?
27 JY: Luc uh. . . .

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: When the private eye got a hold of you.
2 JY: We were in the process of moving.
3 GM: Ok.
4 RA: So you moved probably back and forth?
5 JY: Yeah. (Inaudible)
6 GM: Did you relocatd down here to Long Beach or from here you went to Long Beach?
7 JY: Yeah.
8 GM: Ok.
9 JY: Or Lynwood?
10 RA: Have you stayed here pretty much the whole time since you moved down here.
11 JY: No.
12 RA: Maybe not in this house but I mean in this area of Long Beach. (overlapping
13 conversation)
14 JY: No, since I left here? No, we left I got (inaudible)
15 (laughing)
16 RA: Oh, ok man not a problem, not a problem. (overlapping conversation)
17 JY: I'm sitting here trying to
18 RA: Thanks for being polite.
19 JY: Jumping around here man I'm like. . . .
20 RA: Not a problem, he has that problem. (overlapping conversation)
21 (laughing)
22 JY: Fuck, man these guys think I'm nuts all right uh. . . .
23 GM: But she's not a party girl? That you knew of?
24 JY: Not that,
25 RA: Didn't have a lot of boyfriends, didn't have
26 GM: She ever mean to you?
27 JY: Uh, no.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: I heard she was a nice lady.

2 JY: She's a very nice lady.

3 RA: How about when she was drinking? Some people when they drink alcohol their
4 personality changes and when they do drugs their personality changes, was she
5 descent when she had been drinking?

6 JY: I wasn't very sociable with her you know at least it wasn't my, my thing. You know
7 like

8 GM: And you were married too, right to Holly?

9 JY: Yeah.

10 GM: How long had you guys been married that time?

11 JY: Um, probably three years.

12 RA: Were you guys pretty much together that whole time?

13 JY: Uh-hum.

14 RA: Cause I know some people relationships um, sometimes relationships are real
15 good and sometimes uh you have problems.

16 JY: No, everything was cool between me and her.

17 RA: You guys were together the whole time then?

18 JY: Uh-huh.

19 RA: No issues where you got pissed off and said I'm going to my dad's house I don't
20 wanna hear it and you were gone for two or three months or anything like that?

21 JY: No.

22 RA: Same thing with her where she'd get pissed off and come down to mom's house
23 with the kids anything like that?

24 GM: So Holly might be able to help us out? Was she a stay at home mom?

25 JY: I don't think. . . . (overlapping conversation)

26 GM: I mean when you guys were living here, she was a stay a home?

27 JY: Yeah.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: So she might have know Rita better.

2 RA: She could have they could have talked. They could have spent time together. If
3 Rita was retired like you, like you believe and Holly was a stay at home mom it's
4 probably pretty possible that they, that they talked together, had coffee or did
5 something. How, how do we get a hold of Holly?

6 JY: Dude I don't know she lives in Canada.

7 RA: Does she have any does she have a phone number? (overlapping conversation)

8 GM: Oh, in Canada, oh wow!

9 JY: I don't have any.

10 RA: How about your kids?

11 JY: Try and ask them.

12 RA: How about does she family? She have any brothers or sisters that are, are her
13 parents still around?

14 JY: Um, yeah I think her parents, her mother in law, her mom lives in Lynwood still.

15 RA: Does what?

16 JY: In Lynwood..

17 RA: In Lynwood?

18 JY: Yeah, uh.

19 RA: Same house.

20 JY: Yeah, Abbott, Abbott Road. What the hell is her name um, Linda Smith.

21 RA: That's her mother, Linda Smith?

22 JY: Uh-hu.

23 RA: Ok.

24 GM: (Inaudible).

25 JY: Linda Mitchell.

26 RA: Linda Mitchell.

27 GM: Not Smith?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: How do you spell Mitchell?
- 2 JY: M-I-T-C-H-E
- 3 RA: You gotta come in
- 4 UN: Yeah. (overlapping conversation)
- 5 RA: Right, no problem dude.
- 6 UM: (Inaudible)
- 7 RA: All right why don't you go ahead and do that. Hey how you doing? Oh, that's ok,
- 8 that's ok. (overlapping conversation)
- 9 UF: My sister is coming over too so if you see someone come up it's just her.
- 10 (Pause)
- 11 GM: If you he intimate with Rita we need to ask. I'm not ready to go. (Inaudible) I do
- 12 now. (Inaudible) Just so you know you know this is. . . .
- 13 RA: Uncomfortable.
- 14 GM: Yeah because of your age difference I gotta ask questions like this ...I don't you
- 15 (inaudible).
- 16 JY: Sorry about that.
- 17 RA: Oh, no problem.
- 18 (laughing)
- 19 JY: I am by myself all week and I don't eat much but when I get home on the weekend
- 20 I eat regularly you know.
- 21 RA: Are you on some kind of a diet or something?
- 22 JY: No I just start working and I eat during the day.
- 23 RA: Sure.
- 24 JY: I slow down you know. My production isn't high enough so. . . .
- 25 RA: So your eating habits are different cause your busy at work?
- 26 JY: Yeah, when we eat, I'll eat two or three times after I get home but I won't eat
- 27 breakfast or lunch.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: You know I know your wife's here and we're asking a lot of questions.
- 2 JY: She's probably tripping out.
- 3 (laughing)
- 4 RA: Right, I know, I know we're trying to be cool cause we want you to help us with
5 this. (overlapping conversation)
- 6 JY: Really trying to be cool.
- 7 RA: Um, I know it's kind of uncomfortable. Did you have a relationship with, with Rita?
8 Were you guys, you guys ever hook up? You guy's ever get intimate or anything
9 like that? I mean she was, there is a considerable age difference there but we
10 don't know who she dated or what her habits were and the only thing you're telling
11 us is that there were possibly two guys that she had seen.
- 12 JY: no, I didn't see her.
- 13 GM: I mean if you did you know let us know. No?
- 14 JY: Nah.
- 15 RA: No?
- 16 JY: What kind of a relationship?
- 17 RA: What's that?
- 18 JY: Sexually you mean?
- 19 GM: Yeah. She was like fifty-five and you were twenty-two. (overlapping conversation)
- 20 RA: Twenty-two, right?
- 21 JY: Yeah, that's pretty, pretty young.
- 22 GM: And you just well the only reason we're asking is cause you said you were having
23 problems with Holly and all that and you know. (overlapping conversation)
- 24 JY: No, it wasn't nothing like that. Our problems me and Holly's problems came much
25 later.
- 26
- 27
- 28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: So you weren't. Ok I'm gonna ask this question here. When you were, you and
2 Holly were renting the apartment now you weren't having any problems? Cause
3 we, I was kind of (overlapping conversation)
- 4 GM: Oh, I was mixed up then.
- 5 RA: Yeah, I was kind of wondering if maybe there was a something with Rita that was
6 causing a problem between you and Holly? No?
- 7 GM: Ok, we're both mixed up on that then. Ok, yeah cause I thought you had problems
8 in the military with her and then when you moved here the problems were still
9 going on.
- 10 JY: Yeah, I mean (overlapping conversation)
- 11 GM: Cause you had mentioned she didn't come with you to Germany, right?
- 12 JY: Yeah.
- 13 GM: And then you went to Texas or Texas to Germany.
- 14 JY: We were in Texas together. I got transferred to Germany. When I got to Germany
15 I got all this stuff straightened out for her to come and she didn't show up. So, I
16 finished a little bit more time and then you know I made a couple of mistakes and I
17 got out of the service.
- 18 RA: So I mean like you were waiting at the airport for her and nobody got off the
19 plane?
- 20 JY: No, I mean I set up for her to go get her uh, passport.
- 21 RA: Uh-huh.
- 22 JY: She never even went to get the passport.
- 23 RA: Oh, so she had planned on not going period?
- 24 JY: And then uh, when I got out we just got back together and things were cool.
- 25 GM: And then from Texas moved to Lucerne Valley started working for your dad.
26 Initially were you living with your dad or where'd you live at before you moved into
27 Rita's rental?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah, I was living, staying at my dad's I think?
2 GM: On Trade Post?
3 JY: Yeah.
4 GM: Ok, how long?
5 JY: Probably three or four maybe six months.
6 GM: And then to Rita's rental. You and Holly were still good. You lived there for how
7 long?
8 JY: Maybe eight months, nine months.
9 GM: And then went to the second rental lived there or you had John Junior here and
10 then you moved to the second rental?
11 JY: John Junior, yeah John Junior was all ready born when we moved in here.
12 GM: You said he was like a year and a half?
13 JY: Yeah.
14 RA: So then you moved over to this house and you had Jasmine when you
15 JY: Yeah, J.J., Jasmine are uh two years apart so. . . .
16 GM: So J.J. was born there also?
17 JY: No, J.J. was born when I was in the service.
18 RA: Ok, so J.J.
19 GM: J.J.
20 RA: would be the son?
21 JY: You guys want something to drink?
22 GM: No, we're cool.
23 RA: No, I'm all right.
24 GM: J.J.'s John?
25 RA: J.J.'s John Junior.
26 GM: John Junior, ok.

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok, Jasmine would be the one that was born at this house and then when you left
2 this house and moved down to Lynwood how long did you stay at this house?

3 JY: I believe a year and a half.

4 RA: A year and a half, um did you have any more kids in that year and a half besides
5 Jasmine and J.J.? No, so then that was when you moved down to Lynwood it was
6 Holly, you, Jasmine, J.J.?

7 GM: Like my partner said it, it's embarrassing for us to ask but because you lived here
8 and we don't know what type of person you were back then. We don't know if you
9 were partying you cheated on Holly all the time we don't know what kind of scene
10 you were into you know and Rita's right here you know we, we gotta ask those
11 questions. You ever get in a fight with her a physical fight?

12 JY: With who?

13 GM: Did she ever get in a physical fight with you and hurt you?

14 JY: No.

15 GM: She never attacked you physically or anything like that? I mean we don't know
16 her. We, we've never met her. We heard she can get belligerent and cause
17 problems so (overlapping conversation)

18 RA: Yeah, we heard that she, get a little, get very belligerent when she'd been drinking
19 and kind of turn into obnoxious person. But, you're, to, you're describing that you
20 never saw that.

21 GM: And she was always kind to Holly.

22 JY: Always very kind and very compassionate.

23 GM: And you and her never partied you guys never got intimate?

24 JY: I don't think we even got a beer together. She just wasn't that kind of partier.

25 GM: Cause like I said we didn't we don't know you and your not so we have to ask
26 those questions because you lived on her property. You guys never kissed? Never
27

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 had sex? Never got in any fights with her? She was a nice lady? You're nodding
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

ALTERED FROM
[NO] AUDIO + VISUAL
TO
[CAM, HEAR] SEE
EXHIBIT CD DIS 49

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) 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?

ALTERED FROM
[YES SHE DID] AUDIO + VISUAL
TO [NO] SEE CD DISC
EXHIBIT 49 5TH.

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Yeah, uh, pistachio farm is over here.
- 2 RA: Do you know which one we're talking about? It's called Minnie, Minnie Springs
- 3 Pistachio Ranch maybe?
- 4 JY: I don't know what, what it is now?
- 5 GM: So your road was in between Rita's and the pistachio farm?
- 6 JY: Yeah.
-
- 7 GM: Ok.
- 8 RA: Did you
- 9 JY: No, it was. . . . (overlapping conversation)
- 10 RA: Did you hang out with the people at the pistachio farm?
- 11 JY: Uhhh, God I can't keep (inaudible)
- 12 GM: Do you have a map Rob?
- 13 JY: No, I didn't bring a map of that area.
- 14 JY: I don't remember the name the road, uh, just like an old bar and there used to be
- 15 restaurant used to be right up here.
- 16 RA: Right.
- 17 JY: You know right by
- 18 GM: Can you draw like a smaller scale like Rita's, the dirt road you lived on, the
- 19 pistachio farm and that way we can kind of get a better picture.
- 20 RA: Ok, so that's Big Bear.
- 21 JY: Big Bear.
- 22 GM: You got 247 and 18 come together down here.
- 23 JY: Well you got
- 24 RA: Ok so that's where he lives and that's the rental.
- 25 JY: And this is the rental right here, there's a, a wolf sanitarium or whatever. It's, they
- 26 call her the wolf lady.
- 27 RA: She grow flowers there or what does she do?

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: No, she raises wolves.
2 GM: On that road?
3 JY: Yeah.
4 GM: Oh wow! Still to th—oh you probably wouldn't know.
5 JY: Yeah, still to this day. (overlapping conversation)
6 GM: Still today?
7 RA: So where is her house? This is wolf lady?
8 JY: Yeah, yeah. . . .
9 RA: And this is your rental right?
10 JY: Yeah, this is where the rental was and then down in the county here and this goes
11 to I think 240. . . .
12 RA: 240, ok that's 247 and then what you said Barstow Road earlier.
13 JY: And Barstow Road is like. . . .
14 RA: Ok, all right.
15 JY: Barstow Road.
16 RA: Now where was the pistachio nut place in relation to here?
17 JY: It's like right here.
18 RA: We, we thought we'd been out and talking to about thirty different people I think a
19 little bit more than thirty actually. Um, we went over to the pistachio farm it looks
20 like there might be more than one farm back there. When we spoke to them um,
21 did you ever go over hang out with them and party with those guys?
22 GM: I heard it was kind of a party spot back then.
23 RA: We heard that if you were gonna party. . . .
24 JY: It, it was a, a, I think this road right here, there was a house right there uh, two
25 story old it's on that side uh. . . .
26 RA: Could you put pistachio farm so I remember,
27 JY: Yeah.

28

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok, than this was the wolf lady can you write wolf. . . .

2 GM: So real wolfs full-bred?

3 JY: Yeah.

4 RA: Where did she get em from? She breeds them?

5 JY: It's like a wolf rescue.

6 GM: Really?

7 RA: They kind of dangerous?

8 JY: Yeah, I guess.

9 RA: Did you ever go check them out?

10 JY: Yeah, you know (inaudible) my wife you know.

11 RA: Are they a trip? I never seen a real wolf.

12 GM: I'll have to go check that out. I'd like to see that.

13 RA: Yeah, but anyways what's up with that house?

14 JY: That's a guy that used to live there that's where I bought my vehicle.

15 RA: Do you know what his name was?

16 JY: No, I can't remember.

17 RA: What's that?

18 JY: I couldn't remember.

19 GM: And then whose house was this? I never saw this. (overlapping conversation)

20 JY: That's were I used to rent, uh, it was just a

21 GM: From a friend, a family member?

22 JY: It was somebody that lived out of state you know, and he owned the house and he

23 actually paid like sixty dollars a month rent there, you know?

24 GM: Ok, so you guys weren't squatting or anything?

25 JY: No, no we weren't squatting.

26 RA: So basically he's giving you free rent.

27 JY: Right.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 RA: So you'll take care of his place and won't bust it up?
- 2 JY: Correct.
- 3 RA: Right?
- 4 JY: Correct and (overlapping conversation)
- 5 RA: And you guys pay a small maintenance fee for you to live (inaudible).
- 6 JY: Right, well I mean I did a lot of work there so basically we kind of negotiated a, a
- 7 rental.
- 8 RA: Sure.
- 9 JY: Price, cause I put on a front porch and uh, uh just remodeled.
- 10 RA: The whole place?
- 11 JY: Yeah.
- 12 RA: That was good for him actually.
- 13 JY: Yeah.
- 14 RA: Did this guy used to go over and party over at the pistachio place?
- 15 JY: Gee I don't. . . . you're asking the wrong guy you know?
- 16 GM: We just heard. . . .
- 17 RA: Did he ever take, we heard that this was the party spot over here.
- 18 GM: Where Rita would go.
- 19 RA: Where Rita would go um. . . .
- 20 GM: That's where we thought something may have happened.
- 21 RA: Don't know, ok.
- 22 JY: You guys want some coffee?
- 23 RA: No, no I'm cool.
- 24 JY: (Inaudible)
- 25 RA: Um, did your friend did he ever take you to the pistachio place to hang out?
- 26 JY: No.
- 27 RA: (Inaudible) drink over there.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: What a trip. I thought for sure you guys had already solved this thing a long time
2 ago.
- 3 GM: How come you never came forward to talk to any of the detectives?
- 4 JY: Well I only spoke to the guys that spoke to me. I you know I had nothing to offer
5 them what am I gonna say.
- 6 GM: Cause you were living on the rental property that could have been helpful back
7 then for the detectives.
- 8 JY: I, again I didn't run in the circles that she ran I was in a different you know.
- 9 GM: I guess that kind of makes sense. But at no time you didn't no detective tried to
10 reach out to you, tried to make an appointment to talk to you, come by your house
11 leave a business card?
- 12 JY: Somebody again. . . .
- 13 GM: Just a private eye?
- 14 JY: I don't know if it was a private eye or it was a detective or I don't know who it was.
- 15 RA: But somebody was asking questions? (overlapping conversation).
- 16 JY: (Inaudible) somebody in person and I spoke to somebody over the phone and
17 they asked me what I had to offer as far as anything and the only uh, complication
18 I had ever seen her have was with that one gentleman out in uh. . . .
- 19 RA: Right, but never nothing turned physical with that I mean nothing ever happened.
20 (overlapping conversation) You know this guy.
- 21 JY: He left.
- 22 RA: Right.
- 23 JY: And I don't even think he had a car. I think he left walking. I don't even remember
24 him how he got there maybe he had somebody drop him off or what I don't know.
25 . . .
- 26 RA: You wanna after you discuss this a little more in detail with him I wanna ask him
27 some more questions. I'd like to go down to um, the other location to speak. I

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 think some things that we're gonna talk about are gonna be a little bit private,
2 embarrassing and I just wanna make sure that we're in a comfortable location um,
3 kind of away from your wife. Do you mind going with us?
4 JY: Where are we going?
5 RA: Go down to Signal Hill police department so we can sit down there and talk.
6 JY: I guess so.
7 RA: I appreciate it.
8 JY: I mean I'm now like a suspect, suspect on this thing or what?
9 RA: Well we're talking to everybody trying to get as much information as possible John
10 and um, sometimes we have to ask personal questions and
11 GM: You got your family sitting right there. (overlapping conversation)
12 RA: Your family's right there and we don't' wanna cause any type of embarrassment.
13 JY: I don't think there is gonna be any kind of complications.
14 RA: I think it would be just be better if we did it kind of back at the station as opposed
15 to right here. And you have been very cooperative with us talking to us right now
16 and um
17 JY: Hey Mel, Melody?
18 GM: Hi, how are you?
19 UN: (Inaudible)
20 RA: Hi.
21 UN: (Inaudible).Uh, here Montana.
22 UN: Montana here.
23 GM: That's him huh? He's big.
24 RA: He looks like a big friendly dog.
25 JY: Was, was killed and they are trying solve the case and they wanna just ask. . . .
26 UN: Who?

27
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: A lady named Rita. Me and uh, J.J. and Jasmines mom had rented from her that
2 she had gotten killed (inaudible).
- 3 UN: Ok, so?
- 4 GM: He had never been interviewed back then officially and he lived in a back rental
5 that the detectives didn't know about back then.
- 6 UN: (Inaudible)
- 7 GM: So, obviously we wanna clear him if he didn't have anything to do with it. He was
8 living back there. . . . (overlapping conversation)
- 9 RA: We wanna. . . . (overlapping conversation)
- 10 GM: about the time when this happened
- 11 RA: We'd like to sit down and have a talk and we, we have a lot more questions that
12 we'd like to ask.
- 13 UN: Ok, I mean. . . .
- 14 RA: Ok.
- 15 UN: So he's gonna ride with you or you want me to give him a ride up. . . . (overlapping
16 conversation)
- 17 GM: He can ride with us and we can bring him back.
- 18 UN: Ok.
- 19 JY: Do you mind if I take uh, we got your car never mind.
- 20 RA: Um
- 21 UN: Do you want me I can give him a ride up there if you want me uh, just let them.
- 22 GM: If you want that would be fine.
- 23 RA: If you want, that's cool.
- 24 JY: Ok.
- 25 GM: Whatever's easier.
- 26 RA: As long, as long as you don't mind.
- 27 UN: Cause I don't mind giving him a ride no.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Your daughters beautiful how old is she?

2 JY: Seventeen.

3 RA: Seventeen, is she a handful?

4 JY: No, they're all my kids are good. I got one kid that uh, nineteen, Joseph and he's,
5 he's a handful.

6 RA: Does he tests your patience a little bit?

7 JY: Yeah, well he's going down all the roads that I went down and making all the
8 mistakes that I had made. I'm just like

9 RA: When you dad probably used to say, "you wait till you have your own kids."

10 JY: No, my mom said you're gonna have somebody that is going to do the same
11 things to you that you're doing to me.

12 RA: So did you ever tell your dad, "hey man you know what I'm sorry dad."

13 JY: I always call my dad and apologize.

14 (laughing)

15 RA: That's pretty funny.

16 JY: I always.

17 RA: So you smoke and Melody doesn't, huh? Is that correct?

18 JY: Yeah.

19 RA: Yeah, I kind of figured cause I saw you leave your cigarette here.

20 JY: Well that I don't smoke inside so. . . .

21 RA: Is that just a courtesy thing for is that mother or your grand—

22 JY: Yeah, that's my mother-in-law.

23 RA: Mother-in-law, ok how old is she?

24 JY Uh, eighty-nine.

25 RA: She doesn't have emphysema or anything does she?

26 RA: Uh-uh.

27 GM: You guys ever been to Signal Hill P.D.?

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Yeah.

2 GM: You guys know where it's at?

3 UN: We lived across the street. (overlapping conversations)

4 JY: We used to live right across the street.

5 RA: Oh!

6 GM: We'll follow you then I was gonna put my little navigator on.

7 RA: Yeah cause we don't know how to get there.

8 JY: Where you guy's from?

9 RA: We're from San Bernardino.

10 JY: Ok.

11 RA: All right thanks.

12 JY: Hey we're gonna stop at the gas station on the way back there. (overlapping
13 conversation)

14 RA: Ok, ok not a problem.

15 (car doors closing)

16 RA: Uh, this is Detective Alexander, it's approximately uh, 10:30 hours, Melody and
17 John are gonna drive over to Signal Hill P.D. uh, we're gonna continue our
18 interview with John over there.

19 GM: They'll be in a white Ford Expedition, Four, Yellow, Queen, Victor, One, Two, Six
20 (4YQV126).

21 RA: Melody is driving.

22 Radio: Looks like his wife or girlfriend is driving and uh, apparently he's a passenger
23 they're gonna follow behind. (inaudible) copy.

24 RA: (Inaudible)

25 GM: Yeah, why don't you call them it sounds like they are watching us but. . . .

26 RA: Call who?

27

28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 GM: Call Scott let him know what's going on. I'll get him. Hey guys uh, we're following
2 him to Signal Hill P.D. his a girlfriend's driving so I have you guys hold off on the
3 search warrant he's going a willingly to talk to us at the station.
- 4 RA: Uh, have them contact . . .
- 5 Radio: Copy.
- 6 RA: Ok, hey Scott could you do me a favor contact Signal Hill P.D. and let them know
7 that we're on our way.
- 8 GM: Keep the recording going.
- 9 RA: Uh-huh.
- 10 Radio: (Inaudible).
- 11 GM: Is the recorder going on?
- 12 RA: Ok, and have them turn the recorder on to uh, so that when we take him into the
13 interview room everything's going and we don't have to wait outside very long.
- 14 Radio: Ok.
- 15 GM: And you're off on that?
- 16 RA: No, I'm still on. It's right now, 10:35 hours I'll be going off tape. Is that correct
17 time?
- 18 GM: Yes.
- 19 RA: Ok, we'll be going off tape and when we get back uh, to Signal Hill P.D. then we'll
20 uh, we'll continue the recording.
- 21 RA: Test? Test? This is Detective Alexander it's approximately 10:46 hours we're at
22 Signal Hill P.D. back on tape. Oh. . . .
- 23 UN: Can you give me your business cards or you know so I know who you guys are?
24 (overlapping conversation)
- 25 RA: Sure, not a problem.
- 26 GM: This is still Long Beach right?
- 27 UN: Signal Hill is different.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 JY: Uh, (inaudible).
2 GM: But is it in Long Beach?
3 UN: Long - - yes.
4 JY: Yes.
5 RA: So it's a city within a city?
6 UN: Yeah. (overlapping conversation)
7 JY: Yeah, it's a city inside a city.
8 RA: So, this is Signal Hill over here.
9 GM: (Inaudible)
10 UN: Yeah.
11 GM: I'm confused?
12 UN: Yeah, this Signal Hill it's own community.
13 RA: Right.
14 UN: And then past I think if you go past Willow no actually they go down quite a bit up
15 to Spring Street, that's Long Beach and if you go down to PCH past is Long
16 Beach. So, this is it's own
17 RA: Oh wow! How did they incorporate a city within a city?
18 UN: Um, many moon's ago I guess.
19 RA: Many moon's ago, ok, anyway there's my card.
20 UN: So, just call me whenever and come get him or
21 RA: Um, yeah.
22 UN: Ok.
23 RA: That's fine, that's fine.
24 UN: Ok.
25 GM: When you said across the street you were right.
26 UN: I love you babe.
27 JY: Ok.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 UN: Call me?
2 JY: Yeah.
3 RA: Thank you.
4 GM: This is the lobby?
5 JY: Um, yeah.
6 RA: We've never been down here before so we don't even know where the station's
7 at. There we go.
8 GM: Do you wanna finish your cigarette?
9 JY: When I spoke to my dad and the guy's names are Leftwich (sp?).
10 GM: Leftwich (sp?) we do have that name.
11 RA: Yeah, we do have that name. (screeching noise)
12 JY: And uh, (screeching noise), a Dave Leftwich .
13 RA: Dave?
14 JY: Yeah.
15 GM; I think we have that. That name has come up.
16 JY: Yeah. (screeching noise)
17 RA: Hi, are you Sergeant Ducey (sp?)
18 UN: No.
19 RA: No, ok, ok is there a room? Do you have a room?
20 UN: Yeah, come on back here.
21 RA: Ok, thanks.
22 UN: We actually have two rooms so we wanted to talk to you about I don't know which
23 you guys wanna use that one interview room, that's in the jail room or one that's in
24 the detective bureau?
25 GM: Detective Bureau. (overlapping conversation)
26 RA: Detective Bureau, yeah something a little more laid back. (screeching noise)
27 GM: I gotta use the restroom.

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 RA: Ok.
2 GM: I don't know which way it is?
3 RA: We don't, we don't know either.
4 UN: And we have to try to figure out how the video thing works so uh, why don't you
5 have a seat in here for a minute. (Inaudible)
6 UN: Yeah.
7 RA: Sarge?
8 UN: There you are?
9 RA: Hey, how you doing? I'm Rob, nice to meet you.
10 UN: Nice to meet you too.
11 UN: So uh, one of you guys (inaudible) I have two rooms (inaudible).
12 UN: I have one next to the jail. I don't know if you want that one, do you want that
13 one? Ok give me a second.
14 RA: Oh, what looks good, Snapple?
15 JY: No, a Diet Pepsi.
16 RA: Diet Pepsi, you're a Diet guy? No?
17 JY: For awhile man I, my wife had me convinced that the regular Pepsi upsetting my
18 stomach and I just, tough getting used to but once I got used to it, it was cool.
19 RA: You have stomach problems?
20 JY: No, just trying to keep from getting fat.
21 RA: Oh, ok but you don't look fat did you put a bunch of weight on or something?
22 JY: No, but now I'm forty-six years old I'm in pretty good shape.
23 RA: You know what's funny is my wife before I uh, got married I been married for too
24 long probably uh, don't tell my wife that uh, I never drank Diet Coke. I just couldn't
25 drink it and that's when I married my wife that's the only thing that she buys. She
26 doesn't buy anything else but what she likes so I had to become used to it and
27
28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 become accustomed to Diet Coke so now all I drink is Diet Coke and when I drink
2 the regular Coke it doesn't taste the same.

3 JY: (Inaudible) (overlapping conversation)

4 RA: Exactly, it taste funny to me. I, I can't drink regular Coke now.

5 GM: How is this department? You ever have any problems when you lived across the
6 street?

7 JY: Yeah, I had some tools missing but I kind of figured out you know, nobody in their
8 right mind would break in a truck right across the street from a police station and
9 take the tools but I think it was my son.

10 GM: That would be pretty balls. . . . (overlapping conversation)

11 RA: Do you think he pawned them or something?

12 JY: Huh?

13 RA: Do you think he pawned em?

14 JY: Sold them to his connection yeah probably.

15 RA: (Inaudible)

16 RA: They have a room back here that we can actually sit in. This isn't that comfortable.

17 UN: What's up bud?

18 JY: (Inaudible)

19 UN: All right man.

20 JY: I'm all right how you been doing?

21 UN: I'm all right.

22 RA: You guys know each other?

23 JY: Yeah.

24 RA: Did he take your burglary report or your property theft report?

25 JY: Yeah, I have a friend that lives in (inaudible) with my kid. I don't know why but you
26 guys got me scared to fucking death here.

27 RA: What's that?

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(v) Rita Cobb

- 1 JY: Say, I don't know why but I'm like scared to death here.
- 2 RA: Uh, just relax man.
- 3 JY: I'm trying to man.
- 4 RA: Ok, like we said (overlapping conversation)
- 5 JY: Ok, I spoke to my dad and uh explained to him uh, what was going on and he said
- 6 that her son had been uh, arrested and convicted of it you know it's
- 7 RA: Of what?
- 8 JY: Rita's murder.
- 9 RA: Oh, really, ok, that's not true I can tell you that right now. Um, I appreciate you
- 10 coming down here and talking to us uh, what we wanna do is I wanna básically go
- 11 over what you told us earlier um, because I wanna get a little more detail as far
- 12 where you lived and time frames and you know that type of stuff I just want, want
- 13 a use much information from you as possible be a little more comfortable here
- 14 than it was at your house.
- 15 JY: For you guys (inaudible).
- 16 RA: I'm, we never been here before so I feel pretty comfortable and I hope you feel
- 17 comfortable to uh, I appreciate you coming down here, uh, you're free to leave at
- 18 anytime that you want. You're not under arrest but I'm, I'm glad that you, that you
- 19 came down here to talk to us. Do you remember how to get out?
- 20 JY: Yeah.
- 21 RA: Ok, great, great. Anyways let's I'd like to kind of stop at I'd like to start from when
- 22 you were growing up and where you lived and let's just progress that far you know
- 23 I wanna talk about everything that you that we talked about earlier but I wanna
- 24 start from where you lived and then all the way until you moved down to Lynwood.
- 25 JY: Ok, talk about where I lived growing up?
- 26 RA: Yeah. Just
- 27 JY: All right.

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- 1 RA: Tell me everything about yourself. (overlapping conversation0
2 JY: My parents, my parents split up when I was uh
3 RA: Uh, let me do this when you when you're explaining thing to us if you could give
4 me approximate years or if you know the date or the month that would be great to
5 and maybe name I know that your dad's name is George cause you told me
6 couple of minutes ago but I don't know your mother's name so
7 JY: Ok, her name is Betty Joe.
8 RA: Ok.
9 JY: And my parents split when I was ten. And it's like a normal kid at that age I played
10 parent for parent. Get what I can out of this one and go to that one so when I
11 mentioned that my dad got short it was like I played all out and ok pack your shit
12 and move back with your mom and. . . .
13 RA: Uh-hum.
14 JY: Um, that's what had happened you know I just bounced back and forth my mom
15 lived in Lynwood, Compton, South Gate. She moved all the time uh, Long Beach
16 uh, and uh, I drank when I was living with my dad at the age of fourteen.
17 RA: So dad was cool with that?
18 JY: Yeah, we drank beers you know we go out in the truck and shoot rabbits at night
19 and stuff like that so uh. . . .
20 RA: So back then you probably said dad's really cool.
21 JY: Yeah, but then when the beers turned into liquor after school you know with the
22 guys uh going to the arcade then uh, you know I did some stupid things and uh he
23 says like that's enough you gotta go back to live with your mom.
24 RA: So when you lived with your dad you lived in Lucerne Valley.
25 JY: Yes sir.
26 RA: At the same exact house Trade Post Road.

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1 JY: Um, initially yeah, we lived at Trade Post Road and then the house had caught on
2 fire one day and burnt and we moved up onto Rabbit Springs Road and then uh,
3 that's one of the moments where you know I was just out of line and uh drinking
4 and I wrecked a motorcycle that belonged to somebody else. He says fucking
5 pack your stuff you're going to your mom's.

6 RA: Right.

7 JY: You know and then and came back down to my mom's and um

8 RA: How old were you when you came back down to mom's?

9 JY Um, like fifteen something like that.

10 RA: So you moved back down with mom down to Lynwood, Compton and Long Beach
11 area.

12 JY: Yeah.

13 RA: Hung out with her for a little while.

14 JY: And then uh, um, I went back and ended up with my dad for about a yea., no six
15 months so. . . .

16 RA: You moved back to Lucerne?

17 JY: Yeah, when I was sixteen and um. . . .

18 GM: On Rabbit Springs?

19 JY: Yeah, no I think we had moved no it was on Rabbit Springs he hadn't finished
20 rebuilding the house yet.

21 RA: Uh-huh. So did dad rebuild the same, rebuild the house?

22 JY: Rebuild the same house and

23 RA: And is that the house that he's living in now?

24 JY: Yes sir.

25 RA: Oh wow, so he's been out there for a long time huh?

26 JY: Oh yes he's been out there for a long time.

27 RA: So he's probably had that paid house, that house paid off numerous times huh?

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- 1 JY: Yeah, yeah, a couple of times. He even sold it and uh, somebody had bought it
2 and were making dope and let the insurance lapse and he foreclosed on it and he
3 got it back so and he married uh, married a lady from the town. They get along
4 good (inaudible).
- 5 RA: So at sixteen you moved back with dad. He's now back at the Trade Post.
- 6 JY: No, he was still over on Rabbit Springs Road you know. He moved over into uh, a
7 little housing track right off of eighteen in between town and uh, Rita's it's on the
8 north side of eighteen.
- 9 RA: By the school?
- 10 JY: Yeah, over by the school. . . .(overlapping conversation)
- 11 RA: Right, ok cause we, does Rabbit Springs Road go past that little housing area?
- 12 JY: Uh-uh, eighteen.
- 13 RA: Ok, eighteen all right cause I remember driving we were cruising around through
14 Lucerne Valley I remember going over by that school and I think that was the only
15 like housing track there. Most of the other houses were I, I wanna say like custom
16 built houses or houses that your next door neighbor doesn't look like your house.
- 17 JY: Yeah.
- 18 RA: Right, they're not track houses?
- 19 JY: No, it's tough to do out there because of all the stuff that gets stolen so. . . . it's a
20 big meth factory out there.
- 21 RA: Is it a big meth problem out there?
- 22 JY: Yeah.
- 23 RA: So you moved back to dad's house at sixteen and then uh, obviously you started
24 tending. . . .
- 25 JY: High school.
- 26 RA: Victor Valley High School.
- 27 JY: Yeah, Apple Valley.

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1 RA: Apple Valley High School.

2 JY: Yeah.

3 RA: Um, tell me about that. When did you go there?

4 JY: Uh, I think I, it was about a year from the time that uh, I had wrecked the bike and
5 my dad sent me to my mom's before I came back.

6 RA: Uh-hu.

7 JY: And then uh when I moved back uh, it was in my junior year of high school I was
8 still a little hellion you know getting into trouble and stuff you know. He made me
9 move back, back with my mom.

10 RA: So how long did you stay with your dad that time?

11 JY: Uh, probably about nine months.

12 RA: So, nine months and then your senior year you moved back with mom?

13 JY: Yeah, from uh, for my junior year, freshman, sophomore, junior from my junior to
14 my senior year in high school (overlapping conversation)

15 RA: You're back down Lynwood or wherever your mom was living at that point.
16 (overlapping conversation)

17 JY: Yeah, yeah, she was living in Paramount at that time.

18 RA: Ok, and what high school were you going to then?

19 JY: Um, Paramount High School.

20 RA: Paramount.

21 JY: Uh-huh.

22 RA: How many different high schools did you attend John?

23 JY: Probably four.

24 RA: We have Apple Valley, Paramount – (overlapping conversation)

25 JY: Paramount High School, went to Polly for a little bit.

26 RA: Polly, what's that?

27

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 JY: George. I have, I have four brothers, three brothers, one older and two younger.
2 George is older.
3 RA: How old is George?
4 JY: Um...47 he's about 48 now.
5 RA: I'm gonna ask you this question, do all of your brothers have the same last name?
6 JY: Yeah.
7 RA: Ok.
8 JY: They have different fathers but you know they all have the same last name. My
9 dad. . .
10 RA: Ok.
11 JY: met my mom and she was all ready pregnant, she was sixteen, he married her
12 anyway. She's from deep South Mississippi and uh, my dad explains it as uh, a
13 shotgun wedding. My mom explains it as you know he fell in love with me and
14 swept me off my feet kind of deal you know then I was born and then my mom got
15 heavy into drugs and. . . .
16 RA: This is Joe, John. . . .
17 JY: Joe, yeah George. . . .
18 RA: George.
19 JY: John.
20 RA: John.
21 JY: Kenny.
22 RA: Kenny.
23 JY: And then uh. . . .
24 RA: How olds Kenny?
25 JY: Forty-four.
26 RA: Forty-four.
27 JY: Yeah.

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1 RA: And

2 JY: Brian.

3 RA: Brian.

4 JY: I mean he's I guess he's thirty-nine right now, thirty-eight. Four or six years
5 difference between uh those two.

6 RA: Do they all live in California or are they kind of like spread out throughout the
7 United States?

8 JY: Yeah, they live in California.

9 RA: Where does. . . .

10 JY: By brother Kenny lives in uh, Alisa Viejo. My brother Brian lives in Huntington
11 Beach and my brother George lives in uh, Bakersfield.

12 RA: So anyways you go back to Texas and you end up joining the Army.

13 JY: I joined the Army. I went in.

14 RA: How old were you?

15 JY: I was eighteen and uh, when I joined the service my brother he went in as a Nike
16 Hercules Missile crewman. Nuclear missile seems like a descent enough
17 challenging enough basically it wasn't about to quality of the job I wanted
18 something to mentally challenge me I guess.

19 RA: It sure sounds good huh?

20 JY: And uh, they trained me for it and went through basic training and I went my AI-
21 Key (sp?). They trained me to be a Nike Hercules Missile crewman and then uh,
22 this is hey your job's being phased out we don't no longer need you. The military
23 only guaranteed you the training. You have your training and now you're going to,
24 they gave me a couple of jobs to choose from and I chose another missile job.
25 Which was a Chaparral crewman missile. Which is surface to air uh, support.

26 RA: So you shoot down planes or missiles with that, with that missile?

27 JY: Yeah, it was a, yeah that's what we did.

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- 1 RA: Sounds pretty cool did it cross over or was it an easy, easier school?
- 2 JY: Yeah, it was a much easier school.
- 3 RA: Was that because you'd had the previous training and you could relate it or. . . .
- 4 JY It just wasn't as technical you know nuclear missiles is pretty technical. I got a
5 secret clearance it's declassified by now I'm sure.
- 6 RA: So you go you finish your schooling in the Army how long, how long were you in
7 school from or let me ask you this when did you join the Army?
- 8 JY: In February of 82.
- 9 RA: February of 1982. And then how long were you in basic training your school
10 training? (overlapping conversation)
- 11 JY: Total of about, total of about six months.
- 12 RA: For basic training?
- 13 JY: Basic training and the two job, job trainings.
- 14 RA: Ok, so both of them all together lumped up was six months worth?
- 15 JY: Uh-huh.
- 16 RA: Ok.
- 17 JY: And then I stationed in uh, Fort Bliss, Texas, uh, and I worked there for probably
18 eight months and then uh, I got orders to go to Europe and we'd planned
19 everything with the wife and everything you know.
- 20 RA: Uh-huh.
- 21 JY: You get ready to go and I set it up you know and I, I went over there I did a
22 reforger tour and then uh, I called the uh, uh, naval base down here to set up for
23 her to get her uh. . . .
- 24 RA: Passport.
- 25 JY: Passport photo's and all that and they even went to the house where she was at
26 to pick her up and she just wasn't there.
- 27 RA: So, while you're stationed at Fort Bliss working she's in California?

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1 JY: No, she was there with me.

2 RA: She was with you?

3 JY: Yeah, and they transferred me to Europe. She moved to California or moved back
4 to California with her mom.

5 RA: So you transferred to Europe somewhere around April of 1983?

6 JY: Something like that.

7 RA: Something like that. And when you went over were you supposed to go over and
8 look for housing and get everything set up?

9 JY: I did, I went over there I got housing I got all my training I got everything that we
10 were required to move her

11 RA: Uh-huh.

12 JY: off post. . .

13 RA: Right, right.

14 JY: with me and made the, I tried to make the arrangements to move her over there
15 and uh, she just never responded.

16 RA: Did you guys have kids now?

17 JY: Uh, yeah the, my transfer to Europe was delayed because of my son. I was
18 supposed to be like

19 RA: When, when was your son born?

20 JY: Uh, August, August 22 of 1983. Ok, and I was supposed to be in Europe in
21 August 15th or something like that or August 20, it was like right in that same day.

22 RA: Right, right around that same time frame.

23 JY: Yeah.

24 RA: So your son was born how much time did they give you to kind of hang out with
25 your wife and cause it's different now than what they, the way they did it back
26 then.

27 JY: Uh, they gave me a uh, two weeks.

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1 RA: That's it? So you had two weeks to get acquainted with the baby, get her on her
2 own and get to your duty station.

3 JY: Correct.

4 RA: Yeah, that kinda sucks.

5 JY: Yeah.

6 RA: Two weeks isn't very much time.

7 JY: No.

8 RA: Especially if you in the military.

9 JY: Yeah.

10 RA: So, somewhere around the end of August, September of 1983 right roughly
11 sometime in September of 1983 you go overseas?

12 JY: Correct.

13 RA: To Germany?

14 JY: Correct and I think I stayed there.

15 RA: Where in Germany? Where was the first place?

16 JY: Uh, I was in first I went to Frankfurt to do my uh, my processing and they teach
17 you the German culture, the German languages stuff so that you can live there
18 and then uh, and then I went to uh, Budingen that's what its called you know?

19 GM: What was that?

20 RA: Is that a base or a town?

21 JY: It's a town with a base in it. Uh. . . .

22 RA: Ok, so Frankfurt's like a big area?

23 JY: I think, I think Texas was Charlie 3-1, Third Battalion, First Air Defense Artillery
24 and Germany was yeah it was it was 4-1 it was the spearhead unit uh, it was 4th
25 Battalion, First Air Defense Artillery.

26 RA: Wuh, that's a mouth full.

27 JY: Yeah, it's a cool job.

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1 RA: So Frankfurt is that like a major city?

2 JY: Yeah.

3 RA: So it's a big city and then Buding (sp?) is like. . . .

4 JY: Budingen.

5 RA: Budingen.

6 JY: Yeah.

7 RA: That's like a smaller Post or a smaller base or whatever you wanna call it a
8 smaller post. And so how long were you in Budingen?

9 JY: I think I was a total over there about nine months I'm not really sure I did uh,
10 reforger tour, which is like thirty days and then I did two field tours uh, sixty days
11 training.

12 RA: Uh-huh.

13 JY: Or was it four months, five months and then I got my house off post and got the
14 car and got the furniture got all the everything arranged for her to move for me to
15 get permission for her move.

16 RA: Right.

17 JY: And then uh, try making arrangements and I spent I think it was totally about nine
18 months cause uh, after I had gotten in touch with her and she was supposed to go
19 she agreed she was gonna everything was supposed to work you know and it
20 didn't. Uh, at the last minute and she just wasn't available.

21 RA: Right.

22 JY: The MP's from the naval base went to her house to pick her up you know so that
23 she could get her passport and she just wasn't there. They went there a couple of
24 times.

25 RA: Wow! That must have been a pretty big stressor for you?

26 JY: Yeah, kind of a heartbreak.

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- 1 RA: Especially when you're, I don't know how many miles that is three thousand it's
2 probably more than that.
- 3 JY: It wouldn't of mattered if it was five miles you know either you go or you don't go.
- 4 RA: Yeah, so how did you like Germany?
- 5 JY: I thought it was great. I should have stayed.
- 6 RA: Would you go back again?
- 7 JY: I would. My wife now is a German decedent so
- 8 RA: Does she speak German?
- 9 JY: Yeah.
- 10 RA: How about you?
- 11 JY: Not much anymore.
- 12 RA: Just curse words and drinking words?
- 13 JY: Enough to get a beer I don't even know the curse words.
- 14 RA: Yeah, that's one of the places I always wanted to go. See I never I wasn't lucky
15 like you I never got to go to the cool places.
- 16 JY: It was cool.
- 17 RA: I wanted to go to like uh, all of the northern European countries um, you know I
18 plan I wanted to go to Spain and Italy. I did go to Spain but um, I didn't get to go
19 like you did and actually live there for months on end.
- 20 JY: It's cool you could travel from one side of Germany to the other.
- 21 RA: Well they have the rail system there too.
- 22 JY: Almost nothing flat on a rail you know? Went and seen Amsterdam and a couple
23 of other places while I was there.
- 24 RA: Now that's pretty wild huh?
- 25 JY: Ok, and uh, things weren't working out with her coming home and you know and
26 I'd gotten into trouble a couple of times, uh
- 27 RA: In the military?

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- 1 JY: Yeah, you know just
- 2 RA: What did you get in trouble for?
- 3 JY: Uh, I had wrecked a, my car and uh, when I was working uh, I had a twenty-four
4 hour duty, guard duty.
- 5 RA: Right.
- 6 JY: Uh, for the barracks and like twelve o'clock one night somebody called from a club
7 saying their ride had left them there so I went to go pick them up and um, I picked
8 them up and we were on our way back to post and I was coming off a mountain
9 and hit some black ice and went through an intersection and wrecked my BMW
10 stone cold sober. It wasn't that big a deal but then by that time I had lost my
11 interest I'm like well where's my wife, where's my kid you know I don't really
12 wanna be here anymore. These guys are - -they asked me if I wanted to go home
13 I said yeah.
- 14 RA: Sounds like they're screwing you over basically.
- 15 JY: Well I just wasn't following the rules man you know and uh, I was, I was a, a really
16 good soldier you know and then they saw you know night and day and they go
17 what's wrong and I told them well what do you wanna do? Well I wanna go home.
18 So, what are you gonna do when you get home? I said I'll work in construction.
- 19 RA: So, what happened then they just let you go?
- 20 JY: Yeah. I got out with a general discharge and uh. . . .
- 21 RA: When was that?
- 22 JY: My God we were working on the time there before probably 85, 84, 85 I'm not sure
23 something like that. I called my dad before I had uh, made the decision to come
24 home. He says yeah, come on home I got work for you and then uh, I went ahead
25 and began procedures of getting out and I got out and I got home and he like
26 sorry there's not enough work for you, you know.
- 27 RA: The economy sucks and I don't have any right.

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- 1 JY: I think a lot of it was just the fears and my behavior from being younger you know?
2 And uh, and probably to that there wasn't enough work for him and uh. . . .
- 3 RA: So did you come you leave Germany did you discharge in Germany and get flown
4 to the states or
- 5 JY: Uh, no they fly you to the states and you discharge in uh, I think at Fort Bragg,
6 North Carolina, South Carolina something like that .
- 7 RA: And then what then they just fly you home?
- 8 JY: Yeah, and from there you get, if you got money fly if you don't you get a bus.
- 9 RA: Wow! Just like that huh?
- 10 JY: Yeah.
- 11 RA: I didn't know that they would just let you out like that.
- 12 JY: Again, I was a good soldier and it was just a problem with me being there uh....
13 with things that were going on. (overlapping conversation)
- 14 RA: Real hardship on your, on your family.
- 15 JY: Well I mean I, I didn't mind being punished I just uh, once I stepped out of my
16 normalcy, my normal behavior, my normal actions as a you know I wanted to be
17 the poster soldier and, and then uh, you know and then my wife is she is uh, just
18 kind of ruined me.
- 19 RA: Sure.
- 20 JY: And then I didn't wanna be a soldier no more.
- 21 RA: Sounds like you had a lot of fun in the beginning and you really enjoyed it.
- 22 JY: Yeah, it was cool.
- 23 RA: Did your brother retire from the military?
- 24 JY: No, he got out. He got kicked out or something.
- 25 RA: Yeah, just think though you're old enough now that if you'd a stayed in there for
26 the full twenty or twenty-five. . . . (overlapping conversation)
- 27 JY: I think I'd been retired.

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1 RA: You'd be retired onto your new career. Probably would have been nice having that
2 retirement coming in huh?
3 JY: Life's good right now.
4 RA: Good, good so you discharged from the military sometime around 1984 or 1985.
5 JY: Correct.
6 RA: and you relocate back to directly back to Lucerne or just hang out with your mom.
7 JY: No, I came, I came in and moved directly back in with uh, my mother-in-law.
8 RA: And her name was?
9 JY: Linda, Linda Mitchell. (overlapping conversation)
10 RA: Linda Mitchell, ok, and she lived in Lynwood on Abbott.
11 JY: Correct.
12 RA: Ok.
13 JY: And then um. . . .
14 RA: Was
15 JY: Me and my wife were working things out.
16 RA: Was your wife living there too?
17 JY: Yeah.
18 RA: So, Holly's living there with the baby?
19 JY: Correct.
20 RA: And at that time you still only have one?
21 JY: Correct.
22 RA: Which is J.J.?
23 JY: Correct.
24 RA: Ok.
25 JY: And then uh, there was a couple of mechanic jobs and little stuff like that and then
26 uh, I begged my dad for a chance you know and he said ok come on up. Brought
27 me up there and we lived with him I don't know probably

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 RA: How long did you stay with your mother-in-law do you think? (overlapping
2 conversation)
- 3 JY: Maybe six months.
- 4 RA: So it wasn't that long.
- 5 JY: No.
- 6 RA: Oh, ok.
- 7 JY: And I moved up with my dad and uh. . . .
- 8 RA: When do you think um, approximately, you said 1984 or be about 1984-1985,
9 approximate month?
- 10 JY: About six months from I don't know.
- 11 RA: Do you remember when you discharged?
- 12 JY: No.
- 13 RA: What month? Was it the summer time, the spring, the winter?
- 14 JY: I believe it was winter.
- 15 RA: So the winter of 1980. . . .
- 16 JY: It might a been a 85.
- 17 RA: 85.
- 18 JY: I. . . .
- 19 RA: Could have been 84.
- 20 JY: I think I did a total of two years uh, almost three total years.
- 21 RA: Active duty?
- 22 JY: Yeah.
- 23 RA: Did you have to, did you have to do any inactive reserve or active reserve or you
24 just, the contracts done?
- 25 JY: It wasn't a contract then it was a they had made an arrangement that I was getting
26 into trouble and uh, uh, they just said ok so we're gonna do this. We're gonna
27

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 discharge you, get you a general discharge you can't come back in and we won't
2 let you back in that was our arrangement.

3 RA: So you guys basically came to an understanding right?

4 JY: Correct.

5 RA: You're in trouble and they said ok here's the deal. This is your punishment and as
6 a result we'll give you a general as opposed to a dishonorable

7 JY: No, I did my punishment and, and uh, one of the officers asked me what's wrong
8 with you, you said your not the same guy and I just told him I says this is a
9 different a, I don't wanna be a soldier anymore.

10 RA: Alright, I can understand that.

11 JY: I just want my life with my kids and I told him and then he told his superior and
12 they told their superior and somehow I ended up in a the Colonel's office
13 discussing my military career and what do you wanna do. I'm tired I don't wanna .
14 ..

15 RA: John it must have been tough because uh, I was, I was never married when I was
16 in the military but uh, when I was in the Navy but uh, being gone for away from
17 people that I knew for six months, nine months at a time that's tough. It sucks I
18 know what you went through.

19 JY: I'm trying to figure out why my whole life story is pertinent to what's going on here.
20 I'm just like I wanna help you but (overlapping conversation)

21 RA: Well we're getting up to, we're gonna be getting up to a

22 JY: Ok.

23 RA: more of it.

24 JY: Well we are right I done left my mother-in-law's and I moved back up with my dad.
25 I lived with my dad. I lived with my dad for -- maybe five months, maybe four,
26 maybe six.

27 RA: Uh-huh, with Holly and

28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 RA: Well when was, when was Jasmine born?

2 JY: Um, September 30, 1985.

3 RA: Ok, ok so we'll go back.

4 JY: Ok, so when she was born just uh, about a year before we moved out of that
5 place. I'm just guessing. (overlapping conversation)

6 RA: Ok, how long do you think you lived in there before Jasmine was born? I mean in
7 that place on the dirt road that you fixed up?

8 JY: Probably about, probably about five months.

9 RA: You lived there about five months and that was September so we're looking at
10 somewhere around April of 1985, somewhere around there.

11 JY: Um, could be.

12 RA: Could be, ok.

13 GM: I'm sorry I wanna make sure I got that right Jasmine was already born when you
14 were living at the second rental?

15 JY: No, she had just been born in that second, second rental up there in Lucerne.

16 GM: And you had been in the second rental how long when she was born?

17 JY: Probably about five or six months.

18 GM: Ok.

19 RA: So, yeah so if that I mean if that's the case then you'd have moved in you would
20 have moved out Rita's rental somewhere around April and moved into that rental
21 on the dirt road somewhere around April of 1985. Five months later now it's
22 September 30, 1985 Jasmines born, correct?

23 JY: Something like that.

24 RA: Ok.

25 JY: Ok, and go ahead.

26 RA: No, go ahead.

27 JY: Um, we lived there for say probably about a year and a half old.

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1 RA: Who's we?

2 JY: Me and Jasmine and J.J. and Holly their mom.

3 RA: Ok, well let's, let's back up to when you were living in the rental at Rita's house
4 cause we kind of skipped over that whole thing real, real quick and I just wanna
5 make sure I got it right. So, you lived at your dad's house maybe six months while
6 you're helping him and doing doors and windows and framing or whatever it was
7 that you did. (overlapping conversation)

8 JY: No it was just doors.

9 RA: Just doors? Just hung doors? So, you're living with your dad you're back together
10 with Holly, right, and J.J. and then you move into Rita's?

11 JY: Uh-huh.

12 RA: Ok, and you lived at Rita's for six months, eight months?

13 JY: Something like that

14 RA: Ok, um, when you lived at Rita's did you guys ever socialize with Rita?

15 JY: Sir, we never really socialized. I mean I had spoke with the lady.

16 RA: Uh-huh.

17 JY: You know a few times and uh, I just never really, just kicked it or partied or we
18 may have drank a beer you know.

19 RA: Sure.

20 JY: Uh, when she had a, God I'm trying to remember all of this uh. I went down there
21 to pay rent or something like that one time and she had some friends over and
22 introduced me to them and I don't even think I finished drinking the beer so . .

23 RA: Tell me a little bit about Rita.

24 JY: She's just a really nice lady. Very, very proper very polite and maybe she drank
25 I'm not really sure I (inaudible).

26 RA: Uh-huh. When you um, lived there in that rental, Rita's rental cause I know we
27 kinda skipped over when you lived in that you guys were talking I will just throw the

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1 name of the peoples faces out there, um, when you lived at the rental, Rita's
2 rental, um, who did she socialize with? Who did she hang out with? Tell me
3 about Rita?

4 JY: It was just uh, a couple of ladies that were in there and I had that one moment
5 when I'd said that I had come up and she had like invited to drink a beer and then
6 uh. . . .

7 RA: Did you recognize those pictures that I showed you? Were any of those ladies . . .

8 JY: No it doesn't bring back any. . .

9 RA: Ok.

10 JY: Anything but uh, that gentleman that I was speaking about, the Leftwich's I think
11 there's five brothers or six brothers or something like that.

12 RA: You said David right? David Leftwich.

13 JY: Dave, David he's the one that was in the front yard.

14 RA: Ok.

15 JY: But uh, she was like trying to get him to leave and he wouldn't leave.

16 RA: Is that the same day or we talking about different days?

17 JY: Oh, it was a different day.

18 RA: Ok.

19 JY: And, and he was drunk he was, he was pretty drunk. And then I don't remember
20 how he left I wasn't I told him to leave, I don't know uh. . . .

21 RA: So you didn't have to wrestle with him in the front yard or. . . .

22 JY: I just told him, dude you gotta leave, you gotta split she doesn't want you here.
23 And he left.

24 RA: Had you ever seen Leftwich or David Leftwich at the house before?

25 JY: Uh, yeah I have seen him up there with her before but I, uh. . . .

26 RA: Was he her boyfriend or just you don't know what the relationship was? Ok, was
27 there any other guys coming around visiting or socializing with Rita?

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1 JY: I, I just I'd heard you know through other people that she was messing around with
2 one of the other Leftwich's and I heard that from an ex-girlfriend of mine who was
3 up there. Her mom was dating the guy, one of the Leftwich's and then the and
4 she was telling me that uh, he used to talk shit you know everybody talks shit but
5 you know. . . .

6 RA: It's a small, it's a small community.

7 JY: Yeah, you know I mean uh, I don't even know how it came up uh, something
8 happened oh, you used to live up there, apartment or something like that or you,
9 they said I'd lived with her or something and it's like no I rented a, a house from
10 her and then she goes oh well my, my boyfriend used to date her and he
11 remembers seeing you there and I was like ok whatever you know.

12 RA: Uh-huh.

13 JY: So I wasn't really that important you know uh, that's how I found out that she was
14 dating one of the other's and I know it wasn't David that uh, this gal was uh,
15 seeing at the time. Well it had to been another Leftwich.

16 RA: How far away from Rita's house that she was living in the main residence was the
17 studio apartment? I mean how much?

18 JY: From here to the parking lot I mean it wasn't even that it was here to the front door
19 of the station.

20 RA: We're just talking. . . .

21 JY: Twenty feet.

22 RA: A few feet? Ok, how about friends that would come over and visit her, who did
23 she socialize with?

24 JY: There was always cars there but I don't know who was there.

25 RA: What kind of cars do you remember?

26 JY: (Inaudible)

27 RA: No? But you owned a cream colored, Ford, Ranger? (overlapping conversation)

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- 1 JY: Yeah, it was a tan, Toyota.
- 2 RA: Toyota? Toyota what? Like SR5 or
- 3 JY: Yeah, it might have been a SR5?
- 4 RA: Cause I think that was the popular model back then.
- 5 JY: (Inaudible)
- 6 RA: Ok, so you owned a Toyota truck? Standard? King cab?
- 7 JY: It, it's just a regular cab.
- 8 RA: Regular cab. Long bed? Short bed?
- 9 JY: It's just six or eight foot bed I think.
- 10 RA: Was it uh, like uh, uh, 4-wheel drives were pretty popular back then people would
- 11 jack 'em up like five feet off the ground, nothing like that just a regular stock truck.
- 12 Ok, and it was yours?
- 13 JY: No, my dad co-signed the uh, it was mne.
- 14 RA: Well he's trying to help you out a little bit. And then you also owned a dark blue
- 15 Pinto.
- 16 JY: Correct, I bought a dark blue Pinto from a guy out of Apple Valley or I think it was
- 17 Apple Valley. My wife was staying at home you know she cause I was gone all the
- 18 time.
- 19 RA: Uh-huh.
- 20 JY: By that time uh, me and my dad were working six or seven days a week all year
- 21 you know and you figure twelve, fourteen hours a day gonna be gone it's like I
- 22 need to get to the store get you know groceries or never mind that she never
- 23 cooked you know she may need to take the kids to town for an emergency, never
- 24 mind that she didn't take care of the kids you know but uh. . . .
- 25 RA: But she needed transportation is what you're saying?
- 26
- 27
- 28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 JY: Yeah..
- 2 RA: and then you'd get home about six o'clock what did, what kind of things did you
3 and Holly do?
- 4 JY: I just you know go through the house and do the cooking and cleaning and she
5 was. . . .
- 6 RA: That she didn't do during the day?
- 7 JY: Correct yeah, and spend time uh, and play with the kids.
- 8 RA: Right.
- 9 JY: Go grocery shopping and the things we needed to do.
- 10 RA: Sounds like it was probably pretty, pretty tough for you actually because you go
11 out and you work all day but then you come home and it's almost like you have to
12 start working again.
- 13 JY: I was young I guess is, it's the normal.
- 14 RA: Young, had a lot of energy.
- 15 JY Yeah and then uh, not I guess about six months before we moved, I moved back
16 down to the city we were having problems we had uh, start getting I came home
17 one day and the note on the door says that she wasn't there that the kids were at
18 the babysitters. So I went to pick up the kids and, and then I contacted her mom
19 said I don't know where she's at, she came up there and we looked around for her
20 I finally found her and then she moved down to the city with her mom and I kind of
21 followed right along.
- 22 RA: Uh-huh.
- 23 JY; And uh, once we got out of that atmosphere everything was kinda cool. And then
24 uh, um, I think when we were, were gone and uh went up to go see my dad for
25 some reason or another and uh, that's when he had told me about the incident of
26 Rita you know?
- 27 RA: Uh-huh.

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(v) Rita Cobb

1 JY: So. . . .

2 RA: Ok, so you move over to the house over here you stayed in Rita's house for eight,
3 nine months then you move over to the house where you were doing basically the
4 work, right? Paying a hundred bucks a month or so doing all the work. I'm gonna
5 assume that the guys paying the supplies for everything?

6 JY: No, I, I took care of everything.

7 RA: And then you have another baby here.

8 JY: Uh-huh.

9 RA: And that would be Jasmine?

10 JY: Yeah.

11 RA: You stayed here for I think this be a year and a half, maybe

12 JY: Yeah.

13 RA: Then you move back down to end up moving back down to Lynwood. You stayed
14 with uh, your mother-in-law. How long after you moved did you and Holly split?

15 JY: How long after we moved here or after we moved back down here?

16 RA: After you moved down to Lynwood? (overlapping conversation)

17 JY: Um, probably about three months, two months. We were living in a trailer in the
18 backyard and I was working during the day and mowing lawns at night trying to get
19 the funds together so we get our own place and get out of her mom's and the
20 whole time I was married to her she had you know like you don't love me and you
21 think I'm fat, dud-ah, dud-ah, dud-ah, you know why don't you just leave and I had
22 from the most part just you know just blew it off she's angry she's that kind of a girl
23 you know all ready physical. I mean she, she wouldn't beat on me but she would
24 run and she'd beat herself up literally.

25 RA: Uh-hum.

26 JY: You know beat herself literally. And she told me one day when I was coming
27 home I was loading up my construction tools I was loading up my garden tools

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1 and then uh, I told my son J.J. well go get your jacket and you can come with me.
2 And uh, when he went in to get the jacket she had convinced him that she was
3 gonna take him to the park and uh, he came out he goes mommy's taking me to
4 the park. I'm like (inaudible) you know you're not gonna take him. If you wanna be
5 mean that's fine but be mean to me not the kids. So fuck you go do your yard
6 work and when you get done fucking just keep going so I did. But she called me
7 about a, a week later and said that uh, you just abandoned us and I never just
8 abandoned them you know? She got her own place uh, shortly there after and uh,
9 as I was paying rent and giving her. . . .

10 RA: What year did you divorce her? Remember?

11 JY: No, I don't even remember. I filed some paperwork and shot it to Texas.

12 RA: Were you married in Texas?

13 JY: Yes. (overlapping conversation)

14 RA: Or you had to file it with them?

15 JY: I got out of basic training and uh, my mom came across country and escorted me
16 into the justice of the peace and told me I'm gonna marry this girl.

17 RA: Because she was pregnant or because your mom liked her?

18 JY: I'm not truly sure.

19 RA: Something?

20 JY: Yeah, my mom said something you just do it you know so that's what I did.
21 (Inaudible).

22 RA: Then after Holly, you said you had another wife. What was her name again?

23 JY: Alicia. After me and Holly had split up. . . .

24 RA: Did you have a girlfriend after, after Holly?

25 JY: It was probably about six months before I even got out I'd just be madder than hell
26 you know?

27 RA: You probably swore women off huh?

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- 1 JY: Uh, I just buried myself in the work you know I got a job down at the naval base
2 and started framing and um, making good money and I mean that's the whole. . .
- 3 RA: Do you have any idea what year that was that you and Holly split?
- 4 JY: Uh, (inaudible) probably like 88.
- 5 RA: 1988?
- 6 JY: Yeah, because uh, my son from my second wife, my oldest son is nineteen um,
7 10-2-89, God (inaudible) I don't even remember. (inaudible) might have been 88,
8 10-2-89, 10-2-89 it was 89.
- 9 RA: Oh, October 2, 1989. (overlapping conversation)
- 10 JY: That's when I met, 10-2 yeah it might have been the very beginning of 89.
- 11 RA: Uh-huh.
- 12 JY: Uh, the end of 88 as a matter of fact cause I had, I'd, I'd, even hang out with a girl
13 for a couple few months you know.
- 14 RA: Oh yeah
- 15 JY: We had split up and then I'd started I met this other girl and then we were hooked
16 up for about three months.
- 17 RA: Who was that what was her name?
- 18 JY: Alicia. .
- 19 RA: Alicia.
- 20 JY: Yeah, Alicia Smith.
- 21 RA: Was that the same Alicia that- - you didn't date any other people between Holly
22 and Alicia?
- 23 JY: No.
- 24 RA: No? How long did you, how long did you see Alicia?
- 25 JY: I dated her for about eight years, somewhere around there. I keep saying eight but
26 the reality it was probably about seven.
- 27 RA: Uh-huh.

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- 1 JY: You know after we'd been seeing each other for about probably two months or
2 three months she said she was pregnant and then uh, uh, we moved in together
3 and I filed a divorce with uh, Holly.
- 4 RA: Oh, ok so you were still married to Holly when you. . . .
- 5 JY: Yeah.
- 6 RA: Technically but you guys weren't together.
- 7 JY: No, no. (overlapping conversation)
- 8 RA: Ok, so, got it. (overlapping conversation)
- 9 JY: Yeah, filed for divorce in, in uh, sent it off to Texas. I never got a response back I
10 just uh. . . .
- 11 RA: Uh-huh.
- 12 JY: I didn't really live in the same place either so I don't know whether, what
13 happened.
- 14 RA: So now when you were with Alicia were you guys actually married or just dating?
- 15 JY: We just dated nobody got married.
- 16 RA: You had enough of the married stuff.
- 17 JY: Correct.
- 18 RA: Got it.
- 19 JY: And um. . . .
- 20 RA: Did you have kids together?
- 21 JY: Yeah, we had a, I had our first boy together uh, eleven months, twelve months
22 after we first met.
- 23 RA: So she delivered eleven months after or she conceived? (overlapping
24 conversation)
- 25 JY: Yeah, she conceived about two or three months we first met and started dating
26 and then uh, and then Joseph was born, 10-2-89, and then uh, 7-19-91, two years
27

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1 later uh, my son Kenneth was born and then um, a couple of years after that my
2 daughter Breanna was born.

3 RA: Then that's all your kids then right?

4 JY: That's all of em.

5 RA: Right, so you're with Alicia was she pretty cool. Tell me about Alicia?

6 JY: Alicia was cool.

7 RA: Did you date anybody between Holly and Alicia? Did you have any other
8 girlfriends?

9 JY: No.

10 RA: Wow! So then things end with Alicia. I'm assuming that it almost sounds like it was
11 a pretty clean break.

12 JY: With Alicia? Just you know mad, what else can you do?

13 RA: Hurt?

14 JY: She's pregnant with another, another guy.

15 RA: Right.

16 JY: You know and uh

17 RA: Did you know about the other relationship?

18 JY: No, I, I met him. I spoke to him he seems like a nice enough guy but they're both
19 in their diseases. I think she's still getting high now.

20 RA: He wasn't a friend of yours was he?

21 JY: No.

22 RA: No.

23 JY: I had never even met him.

24 RA: When you guys, did you guys date outside of your relationship? With that I mean I
25 know I remem at the house I told you some people do that and uh, a lot of times
26 people do, do that. But you and Alicia never dated outside of the relationship?
27 Not that you knew of?

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1 JY: No.

2 RA: How about you? Did you date on her? Were you messing around on her?

3 JY: Uh-uh.

4 RA: No, were you messing around on Holly? No nothing like that? Ok, so about when
5 give me a, a approximate year and, and time frame that you split up with Alicia.
6 You'd say about 96?

7 JY: Around 93.

8 RA: 93.

9 JY: Yeah

10 RA: It must have been really rough for you but that

11 JY: Can I go to the bathroom I mean I gotta like pee right now.

12 RA: Yeah, well let me find out where the bathrooms are. I have no problem with that.

13 (long silent pause)

14 RA: Do you have stomach problems or you just have to go pee?

15 JY: I just had to pee dude.

16 RA: Drink a lot of water or coffee?

17 JY: Yeah, well I drank a bunch of coffee this morning and then uh, I was saying I had
18 a big meal last night and normally first couple of hours in the morning I take a
19 dump.

20 RA: Right.

21 JY: And I woke up late this morning and my son just moved out and you know how
22 that I had a I don't know what I ate gave me bad gas.

23 RA: Well you know last night was the time change?

24 JY: Anyways and then uh, you know I like get ready go get a pack of cigarettes and
25 you guys pull up so I hadn't made my, my normal bowl movements for the day.

26 RA: Right, right.

27 JY: And I'm sitting in the kitchen. There's. . . .

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- 1 RA: Squirming in you seat obviously.
- 2 JY: Yeah you know.
- 3 RA: I'm glad it was you and not me actually, um, sometimes I you know have those
4 problems too. So, sometime around 1993 you end things with Alicia, um
- 5 JY: 9..n...
- 6 RA: Now you're with Melody right now. So about 96 is when things totally ended with
7 Alicia?
- 8 JY: Yeah, 95.
- 9 RA: 95.
- 10 JY It was done.
- 11 RA: All right. So, things end with her and now you're back on your own again. Or I
12 shouldn't say on your own but you're back by yourself again.
- 13 JY: Yeah.
- 14 RA: Um, and then you meet Melody? Correct? Melody? Ok? So then you meet Melody
15 Did you have any girlfriends in between Alicia and Melody?
- 16 JY: Uh, yeah. I dated a bunch of girls.
- 17 RA: A bunch of em.
- 18 JY: I mean I was a single parent I had a good job and my own place.
- 19 RA: Everything was good, right? Who else did you date back then?
- 20 JY: Uh, Dana, uh, Brittney, uh, Julie, uh, Lorie, a couple more.
- 21 RA: Uh-huh, when did you meet Melody?
- 22 JY: Um, I met Melody in um, probably about 2000.
- 23 RA: 2000.
- 24 JA: And then uh, I met Melody in the year 2000 in a meeting.
- 25 RA: You guys hit it off pretty good obviously.
- 26 JY: Uh-huh.
- 27 RA: How long after that did you guys get married?

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- 1 JY: Um, about fourteen months. I proposed to her after a couple of months you know
2 and we lived together for a year. Find out we were actually compatible.
- 3 RA: That's probably a good idea actually.
- 4 JY: It wasn't the same on the first two. We fuckin lived together for a year and see if
5 we were compatible and you know if we were still willing and we got married in uh,
6 February 29 of. I be lying here cause if I said we just celebrated our ninth of 2000.
7 I must have met her in the end of 99.
- 8 GM: February of 99?
- 9 JY: Something like that?
- 10 RA: How things work with her, she pretty cool? She seemed like a real nice lady.
- 11 JY: She's a good woman, a good woman. She's probably at home tripping out right
12 now.
- 13 RA: You guys been together ever since? No break ups or anything like that?
- 14 JY: Uh-huh, uh, we had a speech because of her daughter didn't wanna fucking uh;
15 didn't wanna get along with my kids and my kids didn't wanna get along with her
16 daughter.
- 17 RA: Uh-huh.
- 18 JY: So they spent a week up at the hotel here and even though (inaudible) split the
19 kids up and I'm thinking ok, you made the decision now you're gonna have to
20 suffer by em you know?
- 21 RA: Sure.
- 22 JY: A week later they moved back in and everything was fine.
- 23 RA: So for the last nine years you and Melody have been together. That's, that's good.
- 24 JY: We just celebrated our ninth anniversary.
- 25 RA: That's good.
- 26 JY: Six months ago uh, we were six or seven living across the street here and her dad
27 had passed away uh, he had his house almost paid off but you know and there's

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INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 no insurance and mom's doesn't have any kind of an income, brother can't afford
2 to so we moved in over there to help salvage his investments.

3 RA: Uh-huh.

4 JY: We moved in over there for about six months. You know her dad and her mom
5 had been together forty-five, forty-nine a long time you know so I been trying to
6 change what their house looked like to something different.

7 RA: Something modern.

8 JY: Yeah, you know so that it doesn't you know remind her of the guy but evidently his
9 spirit keeps coming around and this, I've seen him in the living room one time uh,
10 some, one of the kids' friend come over and goes hey man. . . .

11 RA: No shit?

12 JY: Is a, did somebody die here. I'm like no, why? He goes well there's a man
13 standing right there and then my son came down to the bed, bathroom and uh,
14 was going into the bathroom and saw him standing in the bathroom. He wanted a
15 palace you know so I been trying to build this if you could imagine a pretty dingy
16 old house from where when we first moved into what it is now I'm just probably
17 pretty impressed. With the way things turned out. That's my story.

18 RA: Interesting, and you and Melody have been together the whole time. You guys
19 don't date outside of do, or I should say do you date outside of your marriage?

20 JY: No.

21 RA: You guys have been exclusive the whole time? Let's go back and talk about when
22 you lived at Rita's apartment. You told me that you moved in there when uh, you
23 and Holly and, and J.J. moved in there and you lived, um, tell me a little bit more
24 about Rita, about her the person that she was with a, a, who she socialized with?
25 What her normal routine was?

26 JY: Yeah, I don't I just she was a really nice lady that we met and she agreed to let me
27 and my wife and my kid live in her house and uh, she probably tired to get us to

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1 come over and hang out with her a couple of times but I just wouldn't you know? I
2 didn't, I didn't know her normal routine. I didn't know any of her friends. I, I figure
3 by the time I moved up there I was I had been gone for a few years from the time
4 I'd been there before up there.

5 RA: Uh-huh.

6 JY: You know and uh, then I'm back up there and I probably wasn't up in the desert
7 nine months before we had moved into her house you know so I, and my whole
8 time that I was up there even the guys that I went to school with uh, Dave
9 Richards and all these other knuckleheads that I went to school I never even
10 socialized with them I just, just me, my wife, uh, uh, me, my wife with the kid and
11 uh, Janice and uh, anyways the girl Janice said uh, I had met when I was in
12 school that married into a guy and that's who we hung out with just Janice and her
13 husband. They didn't have any kids and I don't know where they live and I don't
14 even know the last name I just remember her as Janice you know.

15 RA: Did you and Holly used to go over and watch TV or anything with Rita?

16 JY: Uh, not that I know of.

17 RA: Did Rita come over to your place and watch TV with you and Holly and J.J.? No?

18 JY: No, not with me there.

19 RA: Did you and Holly ever invite or go over to Rita's house for a bar-b-q or anything or
20 uh, Christmas dinner or Thanksgiving?

21 JY: The only time I had ever been into Rita's house is that one time when I uh, when I
22 paid rent evidently you know but I normally wasn't just walk in and pay the rent
23 and uh, that one time when I went to pay rent she invited me in. She had her
24 friends and you know a couple of times that she had asked me there you know.
25 help her out around in the house that was it you know?

26 RA: What kind of, what kind of things did you do around the house? (overlapping
27 conversation)

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(v) Rita Cobb

- 1 JY: One of the things the bathroom door didn't shut all the way uh, there was a
2 problem with the uh. . . .
- 3 RA: What did you have to do with that?
- 4 JY: It was an adjustment on the hinge.
- 5 RA: No big deal?
- 6 JY: No big deal um, uh, the faucet had a drip in it you know and just so I took the. . . .
- 7 RA: New washer?
- 8 JY: Yeah, you know uh, kitchen sink was un, was plugged up, the back sliding glass
9 door didn't shut. Just little things you know?
- 10 RA: Uh-huh.
- 11 JY: I couldn't you know it wasn't a lot you know?
- 12 RA: What kind of locks did she have on the house, do you remember?
- 13 JY: (Inaudible)
- 14 RA: (Inaudible) Did uh, how about the back sliding glass door was that do you know
15 what kind of lock that had?
- 16 JY: I'm not even sure
- 17 RA: Did it lock?
- 18 JY: I, I couldn't even I don't even remember?
- 19 RA: Did she ever ask you to come over and check her house out for any safety issues
20 or anything like that maybe she was scared or uh, she wanted to make sure that
21 her door locks worked or you know how women are sometimes they'll call a guy
22 over to take a look and make sure everything's cool and you're a handy guy.
- 23 JY: Just the little things that need to be repaired. She had her son's you know. I
24 never really met the guy.
- 25 RA: Did her son live in obviously he didn't live in the studio. Did he live in her house
26 with her while you were living there?
- 27 JY: No not that I know of, no.

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(v) Rita Cobb

1 RA: So she lived by herself totally as far as you know?

2 JY: And from what I had heard from other people after we had moved away and uh,
3 found out that she had been killed that uh, um, her son moved in so I don't even
4 know. My dad right now is under the impression that he hangs around a grip of
5 older people and older people have the tendency to talk.

6 RA: Sure. (overlapping conversation)

7 JY: He, you know he says that according to his information he married the town ex-
8 mayor you know from up there so she knows like probably fucking everybody up
9 there that's descent you know and his feedback was that her son his uh, was the
10 one that got convicted of the I don't even know.

11 RA: Of what?

12 JY: Of Rita's murder.

13 RA: Oh, really!

14 JY: Yeah.

15 RA: Ok, well that's not true. We know that's not true I'm sure.

16 JY: You guys. . . .

17 RA: Yeah, we wouldn't be out here asking questions trying to figure out who was
18 around her um, did you ever go over to Rita's house for drinks and maybe Holly
19 wasn't there? Maybe to socialize with her or anything?

20 JY: First of all, I had, I'd gone over there that one time when we were

21 (overlapping conversation)

22 RA: Just the one time right? Never had any type of a relationship with Rita? Excuse
23 me?

24 JY: No.

25 RA: No, did you ever date her?

26 JY: Uht uh

27 RA: Uh, kiss her?

28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 JY: Uht uh
- 2 RA: Um, have sex with her?
- 3 (cell phone ringing music)
- 4 RA: Excuse me I'm sorry. Nu-no intimate relationship at all?
- 5 GM: You said you had brothers and sisters?
- 6 JY: Uh-hum.
- 7 GM: What were your brother's names?
- 8 JY: Joseph, I mean not Joseph, George.
- 9 GM: George, what was his first birthday?
- 10 JY: February something.
- 11 GM: He's older than you?
- 12 JY: Yeah.
- 13 GM: How many years older?
- 14 JY: Sixty-one, he's born in sixty-one.
- 15 GM: And then came who next?
- 16 JY: Then me, uh, John and that's uh, September of 63.
- 17 GM: You, sixty-three, and then? (overlapping conversation)
- 18 JY: And then Kenneth was uh, December of 65 and then uh, Brian was December of
- 19 72.
- 20 GM: Any sisters?
- 21 JY: No.
- 22 RA: How about stepbrothers or sisters? Stepbrothers? Stepsisters?
- 23 JY: Uh, my mom married a Mexican family I'm sure there's probably five hundred of
- 24 them out there in Mexico, um. . . .
- 25 RA: Were your brothers living in Lucerne Valley?
- 26 JY: Yeah.
- 27 RA: All of em?

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(v) Rita Cobb

1 JY: Um, yeah.

2 RA: When Rita as killed were all of them living up there?

3 JY: Uh, Brian, uh, I don't think any of us lived up there when Rita was killed but I'm not
4 sure you know I don't know when she was killed. I don't know.

5 GM: Were they living up there before?

6 RA: She was killed in 1985.

7 JY: 1985?

8 RA: 1985, uh-hum.

9 GM: Were your brothers living up there in 85?

10 JY: My brother George was.

11 GM: What about Kenneth and Brian?

12 JY: Um, no.

13 GM: So just George?

14 JY: Yeah.

15 GM: Where was he living at?

16 JY: Um, in a motel downtown.

17 GM: He doesn't live with your dad?

18 JY: No.

19 RA: He was kind of like on a month by month?

20 JY: Yeah, (inaudible).

21 GM: And then your dad did he ever get a new wife or girlfriend or

22 JY: No, he's been with the same lady for twenty-six or twenty-seven years.

23 RA: What's her name?

24 JY: Uh, Betty.

25 GM: Betty?

26 JY: Betty Murrie.

27 GM: How do you spell that last name?

28

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(v) Rita Cobb

1 JY: M-U-R-R-I-E.
2 GM: M-U-R. . . .
3 JY: R-I-E.
4 RA: Is she a local or she from Lucerne?
5 JY: Yeah.
6 RA: Is she.
7 GM: And that's his wife right now?
8 JY: I guess you could say they been together that long.
9 RA: Are they still together now?
10 JY: Uh-huh.
11 GM: What about we heard the name Pam Hardwick.
12 JY: Yeah, he did. He married Pam as a matter of fact and when uh. . . .
13 RA: Are they still together?
14 JY: No.
15 RA: No?
16 JY: No, there's a, she was with twenty-eight or something like that when they met and
17 he was just Pam oh my God that thing was jacked. That's how long it's been.
18 RA: You totally forgot about her, huh?
19 JY: Yeah, she lived off of uh, a little housing community I was telling you about.
20 RA: Going by the school?
21 JY: Yeah.
22 RA: Or just up the street from the school.
23 JY: Yeah, it's just right up the street. It's right, right up there half a mile from the
24 market. (overlapping conversation)
25 RA: Going towards the mountain.
26 JY: The Lucerne Valley market, yeah.

27
28

INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

1 GM: When did they get married? Before you got up to Lucerne Valley? When you were
2 in the Army or after?

3 JY: After, uh, before the last time, God, uh, they got married.

4 GM: Before you went in the military?

5 JY: Yeah, oh hell yeah.

6 GM: When did they get divorced or separated?

7 JY: Excuse me?

8 GM: When did they separate?

9 JY: Um, I don't even know that either.

10 GM: What you'd say I didn't catch your mom's name?

11 JY: Betty Jo.

12 GM: Is that one word?

13 JY: No, first and middle name. Betty Jo Cook is her name.

14 RA: Does she spell it J-O-E or J-O?

15 JY: J-O.

16 RA: Just J-O, right? C-O-O-K?

17 JY: Uh-huh.

18 RA: Ok.

19 GM: You still keep in contact with her?

20 JY: No, she's passed away.

21 GM: Ok.

22 JY: She's been passed away for, ahhh maybe eight years.

23 RA: She. . . .

24 JY: No, it was longer than that. (overlapping conversation)

25 RA: get sick from something or what happened to her?

26 JY: I don't even my brother went to go and visit her and she was passed away.

27 RA: Oh, that's terrible.

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(v) Rita Cobb

1 JY: Yeah, and then uh, the coroner couldn't figure out what it was that she had
2 passed away from.

3 GM: How about George, was he dating back then in 1985.

4 JY: He's been married to the same lady since he was seventeen.

5 GM: Still?

6 JY: Yeah.

7 GM: They have a good relationship obviously then huh?

8 JY: Yeah, I guess, uh. . . .

9 GM: What's her name?

10 JY: Becky.

11 GM: Rebecca or Becky or

12 JY: Becky.

13 GM: Becky Yablonsky?

14 JY: Yeah.

15 RA: What was her name then? Do you know? Becky's?

16 JY: Montoya?

17 GM: Montoya?

18 JY: Yeah.

19 RA: She pretty cool, you like, you like her?

20 JY: No, we don't get along. I don't like her. She don't like me.

21 RA: Do you get along with your brother?

22 JY: Yeah.

23 RA: Huh.

24 JY: This kind of burdens with relationship was between me and her.

25 GM: You know you said you had those two cars back then, a pick up truck you still
26 have that today?

27 JY: (Inaudible)

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INTERVIEW WITH JOHN YABLONSKY

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(v) Rita Cobb

- 1 GM: What happened to that?
- 2 JY: Uh, my dad came and got it because I missed a couple of payments or
- 3 GM: He repoed it? (overlapping conversation)
- 4 JY: missed four payments and he took it.
- 5 RA: He took it and sold it or did he keep it?
- 6 JY: No I think he kept it and left it in Mexico when he moved from Mexico. He still I
7 mean a couple of years ago they sold their place in Mexico he still had that truck.
- 8 RA: So that was his driving around vehicle down in Mexico.
- 9 JY: Yeah, it's painted like a camouflage tank.
- 10 GM: And what about your Pinto?
- 11 JY: Excuse me?
- 12 GM: Your Pinto?
- 13 JY: I sold that.
- 14 RA: To a person, to a wrecking yard?
- 15 JY: A car, a car lot over here on uh, Long Beach Boulevard.
- 16 RA: Down hear in Long Beach? What was the name of it do you know? Is it still
17 around or did it close up shop?
- 18 JY: Oh, it's been closed up long time ago.
- 19 GM: When did you sell that?
- 20 JY: Right after me and my wife had moved down here.
- 21 GM: After you and Holly moved out? Do you know why we're talking to you today?
- 22 JY: Hmm.
- 23 GM: Do you know why we're talking to you today?
- 24 JY: Um, you were gonna
- 25 GM: Now John people make mistakes. We're not here to judge you.
- 26 JY: Yeah.
- 27 GM: Your young but you had a rough childhood. You had a rough life.

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(v) Rita Cobb

- 1 RA: I think people probably don't understand you. Some of the things that you've
2 done some of the things you've been involved with.
- 3 JY: You guys think I did this.
- 4 JY: There's just no way.
- 5 GM: We're not here to judge you man.
- 6 JY: I just like....
- 7 GM: We've been investigating homicides for a long time. We've talked to a lot of
8 people including you and, and many other cases we've worked on. We've been
9 working this one for a long time and my partner and I, I think he'll agree with me I
10 get the sense that you feel bad for her. I saw what you looked like when you
11 looked at her photo. I saw the hurt there.
- 12 RA: We saw how it tore your stomach up back at the house. John life, life is good for
13 you right now. You've turned things around. You're with a good woman. Back in
14 1985 there were a lot of you had a lot of stress in your life. You had a new child.
15 You had a wife you weren't getting along with.
- 16 JY: I didn't. I didn't do this. (Inaudible)
- 17 RA: John.
- 18 GM: We wouldn't be here today talking.
- 19 RA: We wouldn't just pick you out of a, a needle in a haystack to talk to.
- 20 GM: You know there is many reasons why these types of things happen. You told us
21 about your childhood and the things that happened to you and the things that
22 you've gone through and there were a lot of stressors in life for you. We know
23 that you made some mistakes. Nobody's perfect.
- 24 JY: I made a lot of mistakes but not this. I've never made this mistake there's just no
25 way.
- 26 GM: It's all right John. We don't think you're a bad person. I think it would be good
27 that you get this off your chest. I really do.

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(v) Rita Cobb

1 RA: You know when we get to this point have you ever put a puzzle together?

2 JY: Uh, yeah.

3 RA: Everybody has in their life and when you first start out as a kid you start out with
4 the puzzle with the gigantic pieces that are huge, right? Right? When you're four
5 or five years old and you only gotta put twenty pieces together and as you become
6 older you get the puzzle that has a whole bunch of little teeny pieces. But you can
7 put those together. You usually start out at the edge and you put the edge in and
8 you pick out the right one and you start putting it in. Before you've got that puzzle
9 finished you know what the picture is. You know what it is. Well that's how our
10 investigations go. Like Greg said just a second ago we've been working on this
11 case for quite a few months. This is all we do. We only work cold cases. We
12 don't do any other cases and we've been putting pieces of this puzzle together for
13 a long time and we know what the picture is.

14 JY: That's just, just...

15 GM: John. . . . (overlapping conversation)

16 JY: I, I can't even imagine how it leads to me. (overlapping conversation)

17 GM: John you know you know with new technology today the things they can do back.
18 We don't have to spell this out.

19 RA: You're a smart guy. Things have changed a lot since 1985. We do things
20 differently now. Technology that wasn't available in 1985. It's available now. And
21 we go back and we look at the evidence. We go back and we look at the scene.
22 We go back and re-reanalyze things.

23 JY: I never hurt anybody like you guys are saying had I did to her. You know I've
24 done some stupid shit. I done some wrong things not like that not to her. That
25 lady was always nice to us. And would of never even hurt anybody whether she
26 was or not. It's just not in my line. It's not in my nature.

27
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 GM: I don't think you'd intend to do something like that. I think it may have been an
2 accident. Something, something happened and she got hurt.

3 GM: This case actually started getting worked on before we worked on it back in 1999.

4 JY: Yeah.

5 RA: As a matter of fact people have been working on it nonstop ever since the case
6 originally was investigated and the guys did a great job. We talked to a lot of
7 people and every now and then a detective would pick it up as technology became
8 more available and more accessible and new things were around. They would
9 start working the case. And they did this numerous times. (overlapping
10 conversation)

11 JY: I, I,

12 GM: So, like my partner said we're not here to judge you. We've talked to literally
13 thousands of people during these homicide investigations. We've been doing this
14 a long time. We've seen a lot of bad people. A lot of bad stuff happened. I can
15 tell you sitting to, sitting here and talking to you today you're not like the people we
16 normally deal with. The people we normally deal with are gang members and
17 drug dealers who don't care about hurting anyone and repeat those offenses if
18 they're not caught. You're not one of those people. We've talked to many people
19 just like you who have made the same type of mistakes in life. It's time to do the
20 right thing.

21 JY: I'm trying to do it. (overlapping conversation)

22 GM: Say what happened John. It's time man.

23 JY: Can, can I call my wife?

24 GM: We, we already know what happened in the house. You're not gonna say
25 anything that's gonna get us excited. You're not gonna tell us anything that we
26 don't already know. So, I don't want you to feel like this is gonna be
27 (overlapping conversation)

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(v) Rita Cobb

1 GM: Are you evil?

2 JY: No.

3 GM: You're not evil, right?

4 JY: No.

5 GM: You're a human being. You have feelings? Do you have feelings, John?

6 JY: Yes.

7 GM: Cause there are people that we have talked to who have murdered more than one
8 person, that being serial killers, serial rapists, those types of people. During
9 interviews of those types of people uh, very rarely do they show any type of
10 remorse, very rarely will they admit to what they did or admit what they did was
11 wrong. They don't have any feeling inside. They are broken. They don't think like
12 you. They don't think like us. It doesn't mean anything to that type of person to,
13 to kill somebody.

14 JY: If I did something like that and you guys had me in here, I'd be like admitting to it
15 man, ok?

16 GM: A search warrant is being served at your house right now John.

17 JY: Can I at least go outside and smoke a cigarette right to this point? I mean I know
18 they're not gonna let us smoke it in here.

19 RA: I think we're gonna be, we're gonna be done here John. I'm not gonna, there's no
20 need for us to carry this on any further.

21 GM: We tried to give you the opportunity to be remorseful and (overlapping
22 conversation)

23 GM: How do you feel about talking to us today?

24 JY: I, I, I don't even know what to say man I, I understand what your guys' job is to do
25 and, and I just, dude I had nothing to do with it, you know?

26 RA: What are you gonna tell Melody?
27
28

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

- 1 JY: Well, I'm gonna have to tell her. She got a search warrant over there going
2 through the house she all ready knows right now. She's gonna end up calling uh,
3 this attorney.
- 4 GM: We told the detectives not to tell her at this point what's going on.
- 5 JY: I told her you know what you guys are questioning me about and you know she's
6 very understanding about what you guys are questioning me about.
- 7 RA: Women are usually very understanding up to a certain point. I think when the
8 details come out I don't believe she's gonna be quite as understanding as she is
9 right now, John.
- 10 JY: I've been truthful with my wife about everything.
- 11 RA: So, you told her about what happened with Rita?
- 12 JY: I, dude ain't nothing happened with Rita.
- 13 GM: You understand, we did tell you right, John that there is undeniable DNA evidence
14 that links you to Rita's death.
- 15 RA: You understand that, right?
- 16 GM: I wanna make sure we're clear about this.
- 17 JY: Yeah, I understand what you're saying.
- 18 GM: John, you don't wanna go into a courtroom this way.
- 19 JY: First, I, I'm, I, I . . .
- 20 GM: John if we lied to you during any point of this interview from the beginning and you
21 caught us in a lie we'd have no credibility, correct?
- 22 JY: Uh-huh.
- 23 GM: Inside you'd be thinking those guys are full of shit, right? We've been straight up
24 with you from the beginning. We told you why we were at your house. We told
25 you why we were talking to you. We haven't been deceitful. We haven't tried to
26 back door you. We've been up front with you the whole way through because
27 credibility is everything John. When we do these investigations if we get caught in

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(v) Rita Cobb

1 a lie we have no credibility. Nobody trusts us. Nobody will talk to us. Nobody will
2 help us. That even includes when we talk to the person that committed the
3 murder. We're honest with that person and we're up front. We're being up front
4 with you right now John. You're DNA links you to Rita's death.

5 JY: It's just uh. . . .

6 GM: Was it an accident?

7 JY: Dude I didn't, I didn't. . . .

8 GM: John, John, was it an accident?

9 JY: You're not hearing me. I, I didn't hurt this lady.

10 RA: Are we done?

11 GM: Yeah, we're done.~

12 RA: We're done.

13 GM: You're under arrest for the murder of Rita Cobb that occurred in 1985.

14 RA: Stand up. Turn around. Put your hands on the wall.

15 (END OF RECORDING)

16

17

18

19

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21

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25

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28

EXHIBIT

65

John Henry Yablonsky AL0373
18-129
480 Alta rd.
Sandiego, ca.92179

CALIFORNIA COURT OF APPEAL
4thDISTRICT, DIVISION TWO

In Re John Henry Yablonsky,
On Habeas Corpus,

CASE #

E071880

MOTION TO FILE STATES EXHIBIT
49 [COMPACT DISC] COPY FOR
VERIFICATION OF GROUNDS ONE AND
TWO PURSUANT TO CA. EV. CODE§1552,
1553, 1550(b)
SUPPORTING THE ALTERING OF EVIDENCE
HABEAS RULE 6
POINTS AND AUTHORITIES

ADDENDUM EXHIBIT FILING

Petitioner filed habeas corpus with this Court titled as
"Factaul Innocence" petition pursuant to P.C. 1473 alleging claims
that state parties had manufactured evidence with the intent to
present it to a panel of jurist as true and accurate for trial
Court #FVI900518. In that case the prosecutor used a recording of
the alleged "original" interrogation recording that occured on
March 8, 2009. The government identified this "copy" as states exh-
ibit 49, and after trial provided post trial counsel Hal Smith as
well as appellate counsel Richard Levy "copies" of this exact same
compact disc that was "used" in the trial. The state also placed
into states records a 113 page "version" of that recording and title
it as states exhibit 49A, which is filed herein as petitioners exhibit
63. Upon the completion of direct appeal counsel Levy provided

JOHN COPY

John Henry Yablonsky AL0373
18-147
480 Alta rd.
Sandiego,ca,92179

February 10, 2019

RE: Habeas /Coram Successive petition
Case# E071880
FVI900518

Attention attorney general sir/maddam;

This is a copy of the motion filed with the court of appeal in this matter, regarding evidence that became available after the trial and after state habeas filings had been denied.

This evidnece is an "exact" copy of states exhibit 49 a compact disc that was created by "state" government bodies and used ina trial. This is a copy for authentication of states exhibit 49A that had been alter4ed, doctored, and [then] used to coerse a verdict that is unreliable. I have filed the habesas petition to you on November 30, 2018 which was about 2800 pages.

I am aksing that you validate this information and compare this to the states exhibit that is on the states records for FVI-900518 out of Sanbernardino California before the honoarable judge John Tomberlin.

The information pertinent in this action regarding this [manufacturing] of evidnece is located within the habeas petition that you already have, at the time markers indicated in the petition/accusation, and "will" ~~xxxx~~ validate my claims;

Respectfully;

John Henry Yablonsky

PROOF OF SERVICE BY AN INMATE
ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAMERA, 236 F.3d 568 (9th Cir. 2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

SUPREME COURT OF CALIFORNIA
350 McAllister
Sanfrancisco, ca,

ATTORNEY GENERAL
BOX 82566
S.D. CA, 92101

This service contained the following documents;

HABEAS CORPUS WITH EXHIBITS

4 of 4

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

SANDIEGO

92179

CITY

ZIP CODE

This service was conducted on (DATE) July 14 2019

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED) [Signature]

My address is 480 alta rd sandiego, ca, 92179

