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ATTORNEY GENERAL
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PETITION FOR RECONSIDERATION (en banc)

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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

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

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

In Re John Henry Yablonsky;
On Habeas Corpus;

§ CASE # S256961
§ Trial# FVI900518
Superior Court of California
County of Sanbernardino

NOTICE OF MOTION AND MOTION IN SUPPORT OF PETITION FOR REHEARING/ RECONSIDERATION (EN BANC) REGARDING CALIFORNIA USE OF FALSE/MANUFACTURED EVIDENCE TO SECURE CONVICTION

§ The Honorable Justices of This Court

TO; THE HONORABLE JUSTICES OF THIS COURT

On September 20, 1985 a person was killed. On March 8, 2009 state of California filed charges alleging that John Henry Yablonsky (Petitioner) had commited this crime. On January 2011 a panel of jurists found true that petitioner had been responsible for the crime of murder, relying in thier decision the use of false manufactured evidneces which were intentionally and deliberately created by state employees, known as Deputy Sheriff Robert Alexander, and DDA John Thomas. This was the [ONLY] evidence used to convict!

Facts relating to a)misconduct b) Breach of fiduciary duty by counsel and prosecutor as well as sheriff personnel had become available after P.C. § 1054.9 motions for discovery were made available on January 2016. Five years after the trial results, and two years after this Court made a decision regarding collateral attacks. Petitioner filed second successive habeas vehicle timely after The United States Supreme Court denied Certiorari on 2018. AUGUST 28, 2017 (U.S. SUP.CT. NO #16-8771)

The Superior Court judge in SanBernardino argued that this petition was too late. An egregious ruling for three reasons.

First, petitioner had been diligent in [trying[ ] to develop develop these facts now presented her through the use of statute, which was not fully complied until five years after trial, while RELEASING THE FILE IN 2016 AND THESE RECORDS REVIEWED WHILE The Suopreme Court retained jurisdiction. This file contains 5400 pages

Second, petitioner was made to cross reference with, authenticate with, and validate with records that had been piece mealed by trial counsel for over seven years.Initially giving 300 pages in June 2009, another 1300 pages in 2011(after the injury occured), another 1600 pages in 2014 after this Court ruled on habeas grounds, then a final release of 5400 pages along with compact disc which carried an audio version of the interrogation. This process took time, and reasonable efforts to authenticate the audio with text transcripts ina 136 page transcript thatw as allegedly created on November 23, 2010. One year before trial. Six years before this record was made available. PROVING FALSE EVIDENCE WAS USED

Third, petitioner is an inmate forced into absolute minimal access to research materials, vehicles where laws, rules, and statutes can be found in the prison law libraries, while petitioner suffered visual impairments

OUESTIONS FOR THIS COURT

1) Does the state of Californai 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, coersed the negative results of this false evidnece, wouldn't it be in the interests of California to investigate such an alleagtion if it was supported by tangible state generated records ?

EVIDENTIARY FACTS OF THIS CASE

1) Petitioner was intimately involved with Rita Mabel Cobb from one and half days before her murder, to several days before she had been killed. This facts has never been disputed. (RT317) (Criminalist Donald Jones)("That several days had passed after she had sex with petitioner before she had been killed .....that he was certain of this information")(RT490)(Pathologist Dr. Bill Saukel) (That at least one and a half days had passed after petitioner had sex with the victim before she had been killed"(That there is no tangible or scientific evidence the victim had been raped") (exhibit 51)

2) That petitioner had been interroigated for 3½ hours in two seperate locations outside MIRANDA. Petitioners home and the police station. This interrogationwas recorded on march 8, 2009 and transcribed on November 23, 2010. As states exhibit 49A the 113 page transcript. As states exhibit 49 the compact disc, copy of the audio recordings. The 113 page transcript was shown to jurors through audio and visual aids regarding the guilt phase. Answers by petitioner regarding whether he had a key to the victims home were altered from saying, "NO" I DID NOT HAVE A KEY ", to saying "UM, YEA" whether petitioner had a key. The altered answers in audio and text matched. "UM YEA". States exhibit 49A (exhibit 42) shows the altered text in the transcript. States party placed these altered and unaltered records into the states exhibits as exhibit 49 and 49A. (exhibit 43) DDA Thomas admitted that he had to take this recording home so that he could alter it so that it sounded good. (exhibit 41) (EXHIBIT 40)

3) States lead investigator Sherifff Robert Alexander gave unreliable and evasive testimony during trial regarding;

i) The authenticity of a transcript he created from an audio recording of an interrogation swearing it was accurately transcribed, knowing he changed petitioners answers from saying "No" I did not have a key to the home of Rita Cobb" to saying "Um, Yea" I had a key to the home of Rita Cobb". (exhibits 41, 42, 43, & 40)

ii) The existance and contents of a fingerprint report which had been collected on September 23, 1985. (see exhibits 29, 59)

These testimonies were less than truthful and were related to facts regarding "who commited this crime". The answers givin by state actors were false, misleading, evasive and are directly related to probative values of facts, evidneces regarding who committed the crime of murdering Rita Mabel Cobb on September 20, 1985.

The fingerprint report shows that petitioner was not at the crime scene in the days before the murder of Mrs Cobb. Alexander told trial counsel;

i) He was not sure who's prints were located at the Rita Cobb murder scene (RT518:10-12) Stating he was not sure any fingerprints were developed.

ii) That he read the fingerprint report, but that he dont remember all the names(RT518;14-16)

iii) That he remembers a glass on the kitchen counter which had a fingerprint on it. (RT518;17-19)

iv) That he had seen all the evidences to the Cobb case. (RT518)

This information was misleading, confusing and inconsistant to the historical truth, that a fingerprint report was created on September 23, 1985, with results that matched; (exhibit 29)

i) Rita Mabel Cobb

ii) Joseph Saunders

Jurors were misled about the nature of this report, the contents of this report as a state investigator gave testimony about inculpating evidences. The prosecutors closing argument supported the confusion by telling the jurors that "NO FINGERPRINT EVIDENCE" was presented in this case." (see exhibit 59)

Investigator Alexander is the party who authenticated the audio text transcript shown to the jurors, when he knew these records were innaccurate. (see exhibits 40, 41, 42, & 43)

CAPITOL LETTER REAL TIME QUESTIONS AND ANSWERS
lower case letter altered version of question and answers
(exhibit 42, page 4 lines 22-23 compared to state exhibit 49)
(at one hour seven minutes and fifteen seconds.)

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

JY- Um, yea.

VERSUS

GM- OK, DID YOU GUYS ALSO HAVE A KEY TO RITA'S HOUSE ?

JY- No.

This was whether petitioner, a person who did not live with Rita, had moved out two to three months before she had been killed, now after altering the transcripts and audio indicate someone that is not suppose to have a key, had one."

4) That states leading witness Bruce Nash who had been interviewed several times before the trial, had been one of the

last coherant people to have seen her alive, spoke to her, and in all statements prior to trial gave consistant information;

i) That Rita Cobb arrived at Mini Springs Ranch where John Sullivan and Francesca Drake lived for a party.

ii) That Rita arrived around 1930-1945 (CT117) drinking a bottle of Bourbon and stayed at a party where Francesca Drake, John Sullivan, Cynthia Hooper, and Rita Cobb partied until about 2145 hours. That when Bruce and Cynthia left they left Rita there drinking with Sullivan.

iii) That prior to Bruce and Cynthia leaving they noticed Rita had been more drunk than usual and offered to drive her home, while Cynthia followed in her car.

iv) That Rita Cobb rejected the offer to drive her home, because she was not ready to go home, because she was thinking of going to a bar called the Zoziac Lounge instead .

v) That when Bruce was rejected, he and Cynthia left Rita at the party with Francesca, and Sullivan. That Sullivan had already fallen asleep whichwas why Bruce felt the need to leave. He was Sullivans friend

vi) Cynthia Hooper never made statements to police, or at least there are none available.

vii) Francesca Drake stated that Rita stayed at the party until around 2345 hours. (see exhibit 14)

viii) That last statement made by Bruce Nash was to Detective Myler on 3/12/09 where he "confirmed " all other statements 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)

When Burce Nash testified for the state regarding the last known conversation anyone had with Rita before she had been killed was that she arrived at the Sullivan drinking party on September 20, 1985, arrived drinking, drank more while there and refused his offer to take her home. Nash then gave coersed , suborned testmony that he believed "Rita Cobb to have been headed home" after the party." (RT417:15-27)

5) That the state knew Gregory randolph had been more than a mere suspect in this case, not only due to his peculair behavior around dead women while he worked as a county coroner, but that he had confessed to this crime while at a party on 8/5/88. The report was made to WE-TIP on 8/6/88. (CT326)(exhibit 15) The confession report was not vague, but yet included facts related to intent, location, and method of the crime committed to Rita Cobb on September 20, 1985. What made this confession so magnificent was that Gregory randolph who confessed stated that he met Rita at a bar called the Zodiac Lounge Friday night. (September 20, 1985) There would be no way for Randolph to have known that this was the last known destination Rita had stated she was going when she told Bruce Nash this on 9/29/85 around 2145 hours.
Gregory Randolphs confession was logged in the SanBernardion sheriff department and assigned to Deputy Carr. (CT326) Detective Palacios made a site visitation to Randolphs home on August 9, 1988 just three days after the confession was reported. (CT219) Upon site review, thedetective found probable cause because of several factors determiend by the detective to get an arrest warrant for the murder of Rita Mabel Cobb who had been killed on September 20, 1985.

Because of the suspicious nature of Randolphs employment as county coroner for SanBernardion, sheriff assigned a code name for this confession suspect, naming Gregory Randolph as William Backhoff.(William Roger Backhoff) As a direct result of an affidavit filed by Sheriff Polacios regarding Randolph/Backhoff, Backhoff was arrested for the murder of Rita Mabel Cobb who had been killed on September 20, 1985 after she left a drinking party .(see exhibit,16)

Backhoff was red headed, lived alone, worked as a county coroner,and was also suspect to another murder that involved an woman who had been killed a few month prior to the Cobb Murder. His DNA was located at the Cobb scene. (CT 751)(CT753)(CT378-79) Prior to filing a information for this murder on Backhoff, he committed suicide on June 1, 1999. (CT357). Backhoff confession was satisfied as an exception to hearsay because of the results of the confession;

i) Investigations

ii) Arrests resulting from sworn declarations

iii) Special investigations as a suspect to the Cobb murder

DDA FERGUSON RESPONSES TO THESE ALLEGATIONS
MADE AT FIRST FILING OF HABEAS
FILED IN 2012 WHCSS1200311

1) That inconsistant statements are not synonomous to perjury, without more petitioner habeas should be denied. WHCSS1200311 File in 2012

2) That because petitioner cannot prove William Backhoff's hair was red, his argument should fail., without more habeas should be denied.

3) That collusoray allegations regaridng 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

4) That just because another mans DNA was located inside the bedroom does not mean they killed anybody, regarding the red hair with the roots attached located on a nude body that had been killed.
Petitioner is faced with a heavy burden to show how another persons DNA located at this scene would have changed the decisions of the jurors.

THE ATTORNEY GENERAL ARGUED THIS EXACT SAME

SUPERIOR COURT RULING
ON OCTOBER 9,2018
SECOND SUCCESSIVE INNOCENCE CLAIM

The Superior Court made an absoulte erroneous ruling regading a factual innocence claim based on newl discovered evidence which became developed five years after the trial and through a manifest barrage of fact development efforts by petitioner who was visually handicapped. While the United States Supreme Court retained jurisdiction. The Suoperior Court ruled erroneously because;
(see exhibit A)

1) Although the petitioner filed several IAC claim the Court relied that the appellate record was not used to develop these arguments ((Case#E055840) Ruling facts which are under collateral attack based on Newly discovered evidneces as factaul innocenee. This is the purpose of collateral attacks, to correct manifest miscarriages of justice.Notice ground three and four of the petition.
   i) Failure to examine DNA on red hair with root
   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

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 petituioners 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 occured.

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 plethera 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 evidneces under 1909 and 1134 arguoing 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 petained 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 culd have been part of the direct appeal, implying that a) if these records were not avaialbe at the appela level, that newly discovered evidneces would support this piecemeal b) That if these evidcnecez 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- udice and refused to hear any argument irregardless of their merits. NONor did the court deny prima facie standing.

8) The Court admits there is an exception to the piecemeal that these arguments could have been brought, and if so would have been meritorious, yet ignores the facts that these records were hidden from pettitioner from the very beginning of the case, throughouyt the case, and not until years after the case had been closed. Admitting that petitioner had developed these through prob ing vehicles as outlined in exhibits (Exhibits 1-10)

9) The Court admits petitioner did not get discovery until 2016, and is actually innocent according to the petition before the court.

10) The Court then erroneously argues that because 21 months had passed since the release of these discoveries, that the petitioner took too lleng. Ignoring that The United States Supreme Court retained jurisdiction until the end of 2018, just months prior to the filing of this petition in the lowest court possible. Arguing that petitioner is too late. Ignoring laws regarding factual innocence claims, Writ of error coram nobis, laws statutes surrounding factual innocence under Schulp v Delo, In Re Miles, , People v Gonzales, In Re Reno.

11) The Court ignorantly found that vehicle under P.C. §1405 were filed arguing factual innocence wass the basuis for a second successive petition. Petitioner had to file that post trial vehicle in two seperate courts under case No.# ~~Unevailable~~ S227210/S226670
The purpose of P.C. 1405 was to gather DNA facts related 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 bnewly 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

The Supreme Court has repeatedly found factual innocence claims must be addressed at the lowest Court regarding whether the petition filed, the records supporting the petition if true would afford petitioner relief. Sanders v United States 371 U.S. 806 "That unless the petition and records clearly and conclusivley show that the petitioner is entitled to no relief, a prompt hearing must be coinsidered."(373 US 1,4) "The statute in terms requires that a priosonershall be granted a hearing on a motion which alleges sufficien facts to support a claim for relief, the motion and the files and records of the case 'conclusively' show that the claim is without merit"

The Court held that so long as the petitioner had full oportunity to offer proof...of the ground in successive petition, good faith required that he produce them then. To reserve proof for the use in attempting to support a pater petition, if the first failed, was to make an abusive use of the writ of haberas corpus. Admitting the possibility of neglect , ommission , misconduct, incompetance may have been the reason for the delay. The Court then held, "If the government chooses not to deny the allegation of [known use of perjured] testimony or to question its sufficiency and desires instead to claim that the prisoner has abused the writ of habeas corpus, it rests with the government to make that claim with clarity and particularization in its return to the order to show cause(Id at 292)"The Court reasoned that it would be unfair to compel the habeas applicant, typically unlearned in the law and unable to procure legal asistance in drafting applications with,merit.

Finally the Court held that successive petitions heard must consider the controlling weight to the denial of prior applications for relief only if ;

1) The same ground presented in the subsequent application was determined adversely to the applicant on the prior application.

2)The prior application was on the merits, and

3) The ends of justice would not be served by reaching the nmerits of the subsequent application(373 US , 1, 16)

The Court held that "if the prior denial must have rested on an adjudication of the merits of the ground ½presented in the subsequent applications. (see Hobbs v Pepersack, 301 f2d 875(C.A.4th cuir 1962) Thsi emans that if the factual issues were raised in the prior application, and it was not denied on the basis that the files and records conclusively resolved these issue, thjat an evidentiary hearing wa sheld. Even if the same gtround had been rejected on the merits of the prior application, it is open to the applicvant to show that the ends of justice would be served by permitting the redetermination of the ground. If factual issues are involved, the applicant is entitled to a new hearing upon the showing that the evidentiary hearing in the prior application was not full and fair.(373 US 1, 17)Townsend v Sain, supra,

McCLESKY v. ZANT, 499 US 467(1991) TERRELL v LANE 489 US 288 (1989)

PETITIONER INITIAL HABEAS FILING
SUPERIOR COURT OF CALIFORNIA
RULING BY HONORABLE JUDGE KYLE BRODIE
(exhibit 57)

"The resolution of the petition is complicated by several reasons, most s ignificantly that petitioners appeal was still pending.

The Court therefore does not have available (for example) the Court distillation of the facts of petitioners cases" The Court denied the case based on the following merits;

One, That the Court did not retain jurisdiction regarding the county distriuct attorney use of petitioners case ina re-election campaign smear

Two, That the interrogations were shown to the jurors regarding altered evidnece. "There is nothing to suggest any eivdence was altered by the prosecutor, petitioner ebars the ~~burden~~ [heavy burden to plead sufficient facts for relief". Collusory allegations are unsupported by the facts stated with particularity

Three, That ineffective assistance of counsel regarding DNA evidnece evolves over DNA. That in order to establish entitlement to relief petitioner must demonstrate deficient performance prejudice. Admitting petitioners DNA is older than the case based on consensual sex by over a day. That speculatuions of other testing copuld have been conducted, or thatanother man's DNA was also present, but "EVEN IF THAT WERE TRUE(AND IT BEARS REPEATING THAT THERE IS NOTHING IN THE PETITION OR EXHIBITS DEMONSTRATING THAT TO BE SO), petitioner is still faced with evidnece he had had sex with the victim. Regarding the allegation of William Bac khoff, the trial court excluded this evidence as hearsay.

Four, That petitioner claims of prosecutorial misconduct regarding the use of eprjured testimony. That the respondents stated the only document included into appellate record is a fingerprint report. To the extent of prosecutorial misconduct this Court lacks jurisdiction.

"That petitioners assessment of the impact of those faxsle statements does not demonstrate that fasle evidnece was shown to the jurors"

Five, That petitioner was not read MIRANDA rightys when interogated. That the Court lacks jurisdiction.

Six, That insufficient evidnece was introduced at trial. This is not vcognizable under Habeas.

Seven, That state parties conspired to alter evidence. Given the DNA evidnece linking petitioner to the murder, and the fact he admitted to having possession of a blue pinto, there is no basuis to conclude that further efforts to shwo what the officers did or did not do believe regarding the use of his ~~exs~~ car would have resasobnable changed the trial outcome.Collusory allegations are insufficient , that manufactured evidndce is not cognizable under habeas reilief.

Eight,That ineffective assistance of counsel based on lack of investigations was not adequeately shown, becausae petitioner did not show how further investoigations would have alterred the trial outcome.

Nine, That trial counsel failed to object at the use of false eviudnece. That presumptions are not overcome. That failure to opbject to even inadmissible evidnece is ultimately a tactical decision

Ten,That the trial court abuse discretion for motion for new trial shoudl be.litigated on direct appeal.

Eleven,That petitioenrs Marsden motion was prejudically denied. This court lacks jurisdiction.

Twelve. That petitioner was not afforded opportunity to

The Court also admitted that third party culpability evidnece existed and counsel failed to effectiuvely argue this issue while the prosecutor only objected on admissibility issues. (exhibit 57-page 11)The Court added that "if" the confession report had been brought under correct authority, such as what resulted fromthe We Tip report then this evidnece would have been admissible. (exhibit 57-page 14)Finding the counsel failure forfeited this legal defense. Considering the fact petitioners DNA was older than the actual murder itself. (exhibit 57 -page 3)

The Court then argued whether Bruce Nash's testimony which had been squashed by prosecutors argument that his information was hearsay. The Court found otherwise , that Bruce Nash'es testimony about whther Rita Cobb told him she was going to a bar rather than home would hav ebeen admissible "if" trial counsel knew the laws. (exhibit 57-page15)(evidence code § 1250) Furhter the Court added that this structural error crteated by trial counsel would have allowed trial counsel to probe regarding third party culpability since Backhoff admitted to picking Cobb up at the same bar Cobb stated she was going the night s he had been killed. (exhibit 57-page 17)This evidnece would have supported third party culpability.

The Court then found regarding the New Trial motion filed by post trial counsel, that the motioin failed to provide reasonable sequenee of events regarding the basis of the motion. Ineffective Assistance of Counsel fopr failure to investigate several DNA factors, defense strtategies. (exhibit 57-pages 17-21)(emphais page 21)

The Court effectively recognized trial counsels argument regarding the DNA being older then the murder. The Court of appeal found the DNA evidence inconclusive in determining guilt.

be present at all stages of the proceedings. This Court lacks jurisdiction..

The summation of the Superior Courts rulings on the twelve grounds was that petitioner had not presented enough evidence to support his claims. None of those evidneces were made available until January 2016 five years later. Those evidneces are now available here, and would have affected the manner which the Court ruled then. Petitioner vehemently argued otherwise. (exhibit 55) One must then believe that because the facts were available without supporting documentation the Courts hands were tied, while repeatedly arguing the Court lacked jurisdiction to rule.(exhibit 57). Therefore the trial court wlould have ruled differently had these records been made available at the time the first habeqas corpus was filed in 2012. (see exhibit 42) (different transcripts from the same case, created on the same day)(Exhibit 63-Page45 of 136) (exhibit 64 -Page 44 of 113)(exhibits 40, 41, 42, 43-Where prosecutor admitted to altering the interrogation transcripts at his home so that he could make them sound better)

THE COURT OF APPEAL
ON DIRECT APPEAL
(Exhibit 52)

Even pages 2 through 18 are related to civil rulings regarding misconduct allegations. Odd pages are related to direct appeal. The Court acknowledge that the DNA collected matching petition was at least one and a half days older then the murder which occured on September 20, 1985. (*exhibit 57-page 3)The Court recognized the Cobb case had been typed with Helen Brooks case.
(Exhibit 57-page 9)

The Court found that "petitioners DNA was at least one and half days older than the murder" and that Cobb may have went to another bar besuides the Z odiac lounge the night she had been killed. Finding that Yablonsky's DNA was not a controlling matter. That (A) could have had sex with Cobb on Thursday night, and been kiklled by (B) saturday morning!(EMPHASIS ADDED) SOMEBODY ELSE KILLED COBB!!!

YOU CANNOT IGNORE THAT FINDING!!!!

THAT PETITIONERS DNA WAS NOT A FACTOR IN THIS CASE REGARDING WHO COMMITTIED RITA MABEL COBB ON 9/20/85

NEW LAWS REGARDING NEWLY DISCOVERED EVIDENCE

Because this Court as well as the trial court have ignored duty to hear matters where allegations "if true" would afford relief regarding collateral attacks. PREJUDICE IS EMINENT

CONCLUSION

Petitioner finds this Court has ignore logic, common sense in exchange to judicial convenience. Petitioner begs this Court to entertain the arguments based on the facst now before the Couirt, the exhibtis presented herein and take judicial notice that the state prosecutor manufactuired evidence to securte and unrelaible conviction.

November 9, 2019 John Henry yablonsky

S256961

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

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAYBRA, 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;

U.S. Supreme Courts
Washington, D.C. 20543

Attorney General
Box 85266
S.D. Ca. 92186

This service contained the following documents;

Petition for Rehearing

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 ;

San Diego (CITY) 92179 (ZIP CODE)

This service was conducted on (DATE) 10/3/20

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) Yablonsky John (SIGNED) [signature]

My address is 480 A0A S.D. Ca. 92175

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

CLERK OF THE COURT
UNITED STATES SUPREME COURT

John Henry Yablonsky,
Petitioner,

vs.

California
(sanBernardino),
Respondent,

CASE NO.#19-7318

PETITION FOR REHEARING

TO: CLERK OF THE COURT
STATE OF CALIFORNIA

The united satates constitution guarantees certain rights that are invaluable resources which protect liberty, and within these protected vehicles are shields against governemnt misconduct. Napue v Illionois, 360 US 264((1959) Was decided for this very reasons. Protections from government intrusions into the fairness of a defendants charge during trial. The fundamentals of fairness are that no evidnece, no testimony used by the governemtn would be tainted, unreliable. Although Napue discused the gravity of misconducts. It focused on the results of the "unreliablity of that specific evidence.

Whether or not these evidences affected a reasonable jurists in comparison to all the other evidnece in that specific case. Which in this case is an interrogation trasnscript. The DNA in this case clears me of the time the crime was committed by "several" days and went undisputed by fact finders, although exaggeratingly mistated by post trial defenders of the state.

The "ONLY" other evidences in this case come from a trascript created by the prosecutor himself who changed answers in an interrogation recording to place evidnece into petitioners possession. "A KEY TO THE VICTIMS HOUSE". There was nothing else that placed me in that house mischieviously. But a key to a persons home when there was no responsibility to have one, no agreement for sharing keys, and no relationship which implied that key was loaned for ease of access. The State Courts found that "alleged" adm,ission of having a key to the victims house peculiar, which explains how a reasonable jurist would have also determined that fact....."IF IT WERE TRUE". But because the prosecutor is the one who created the transcript used in trial, it was the prosecutors actions that tainted the right to a fair trial based on truth. In this trial the truth releaes me from the case. Itw as the lies and deceipt that binds me to the murder. (NAPUE V ILLINOIS((citation ommitted)

March 11. 2020 John Henry Yablonsky