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PETITION FOR REHESARING PURSUANT TO RULES OF COURT RULE ~~XXXXX~~ 44

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(NAME) john henry yablonsdky (SIGNED) _____

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CLERK FOR THE COURT
FOR THE UNITED STATES
SUPREME COURT

John Henry Yablonsky,
Petitioner,

vs.

California (Sanbernardino),
Respondent ,

CASE NO.# 19-7318

PETITION FOR REHEARING PURSUANT TO UNITED STATED RULES OF COURT RULE 44 SCHULP V DELO513 US 298(1995)

To;CLERK FOR THE COURT
STATE OF CALIFORNIA

The United States Constitution I Amendment does guarantee respective rights to seek redress, which in this case includes government bodies who caused irreperable property damage to petitioner John Henry Yablonsky (PETITIONER) ina erroneous conviction by the use of false evidence. NAPUE V ILLINOIS 360 US 264 (1959). Petitioners collateral attack was timely SCHULP, 513 US 298

THIS PETITION FOR REHEARING IS NOT ERRONEOUS

Petitioner does not wish to burden this Court with unsubstanciated claims of factual innocnece , yet had met that threshold when filing his post trial collateral attacks in California's Superior Court as a second successive petition for writ of habeas corpus. SCULP V DELO 513 US 298(1995). The factual grounds of these allegations were developed through more than 700 writings, letters, motions, petition for relief, civil cases, demands for discovery which californai deliberately witheld from petitioner in an effort to hide the gross misconducts which occured in January 2011 for case (Sanbernardion #FVI900518) The proofs of these gross misconducts were made available after initial direct appeals filings. (California Court of Appeal 4th District #E055850) Which had these informations been known would have affected the manner which the Court of Appeals ruled. The witheld records were substancial in nature including 5400 pages as well as a compact disc, which after thorough investigations, comparisons to other discoveries previously released support that petitioner had been erroneously convicted United States v Bagley 473 US 667(1985) . When petitioner was capable of filing the "SECOND SUCCESSIVE" petition for habeas corpus the state Court of California stated "IT WAS TOO LATE"!

This language disagrees with this Courts decision under SCHULP V DELO 513 US 298(1995) . It is because petitioner is factually innocent, that his petition must be heard. It is because petitiuoners initial collateral attack were not determined on the merits of the claim, while state Courts deemed 1) That petitioner had not provided enough evidence to support his claim 2) That collusory allegations are not enough 3) Denied jurisdiction that

escaped the Courts discretion. It is because these filings and the langauge in those rulings that made petitioner "second" petition the equivalent as being the "first". It is in this filing that petitioner provided tangible proofs that the state used false evidence to reach the initial conviction in 2011 that contradicts this Courts ruling under NAPUE V ILLIONOIS 360 US 264. The Court stated that was not enough to meet the federal threshold, ignoring this Courts language under McQuiggins v Perkins 569 US 383, 133 S.Ct.1924 (2013). For the above reasons this Court is not being used to delay a process. If petitioner may add, "IT WAS BECAUSE OF THE GROSS MISCONDUCTS OF CALIFORNIA WHO DELIBERATELY WITHELD THESE FACTS FOR SEVEN YEARS, THAT DELAYED THIS COURTS PRECIOUS RESOURCES"!

FACTUAL BASIS OF THIS CLAIM

On or about September 20, 1985 "someone other than petitioner" killed Rita Mabel Cobb in her home. Evidences were collected with regards to relevant and material values, but "only" stored and not processed until three years later when a confession by a county coroner named Gregory Randolph was reported to WE-TIP. The confession is what instigated the processing of the evidences collected from the Cobb residence on September 23, 1985. An arrest was made prior to the results of these "late processing" of the evidences, which "forced" sheriff to release the primary suspect Mr Randolph. In an effort to protect the integrities of the sheriff interests with the Cobb murder, they were forced into releasing

Mr Randolph,while they chose to protect their investigations, they altered the "name" in those investigative results to "WILLIAM BACKHOFF", knowing that Mr Randolphs employment as county coroner would have been capable of following their investigations onto Mr Randolphs suspicious confession. A few years later DNA had been able to advance to the point they could determine culpability of the evidences collected fromthe Cobb residence on September 23, 1985, which would have afforded local sheriff sufficient evidence to reach a conviction. Protecting the valuable resources of the Court system. Mr Gregory Randolph committed suicide on June 1,1999.

When responders addressed that crime scene they discovered extraordinary evidences that would have also supported the conviction when they located "numerous" trophies in the residence of Mr Randolph. These trophies indicated Mr Gregory Randolph was a serial killer by the photos kept as tropies from "MURDER SCENES OF WOMEN" whom Randolph had not worked on as county coroner while employed by the county of Sanbernardino. One would believe that Mr Randolph maintained that job as county coroner to hide his secret, "THAT HE WAS A SERIAL KILLER", protected by his employment status so that he could monitor the progress of his "HOBBY". It was determined when Mr Randolph committed suicide, right about the time the DNA for the Cobb murder was reaching conclusions. "THE SUICIDE WAS NOT A COINCIDENCE TO THE RESULT OF THE EVIDENCE FROM COBB SCENE".!

When Mr Randolph committed suicide this case went cold and then stored into the Sheriff evidence lockers until three very suspicious government bodies professed to conduct 'special " investigations into solving these now "COLD CASES" . These bodies were known as County District Attorney Michale Ramos who employed the

illicit skills of county sheriff Robert Alexander and Greg Myler to help achieve political boosts with solving cold cases that had been cold for decades. It was the crafty skillset of these detectives that managed to manipulate facts into "different" meanings, while they "hid" those activities behind the blankets of color law.

Petitioner was arrested 25 years after the murder occured on Rita Mabel Cobb. During this arrest an illegal interrogation occured outside fourth amendment protections, and recorded while petitioner was under custodial management by three police agencies and ina locked detention facility. The results of that interrogation were then altered after petitioner filed lawsuits in an effort to protect substancial rights to an impartial panel of jurist when the county district attorney used petitioners case in a political campaign. Promising convictions for votes. After the five million dollar lawsuit was filed and served upon Michel Ramos at his place of empl;oyement, his "CRONIES" manufactured evidences in the case to ensure and support the charges would reach conviction. Altering the interrogation transcripts by changing petitioners answers, placing evidence into petitioners possession which otherwise indicated he did not have. "A KEY TO THE VICTIMS HOME". That evidence rang throughout the courtroom where petitioner stood behind not guilty pleas, while the jurors were forced into reasoning why would a defendants who had no business possessing a key to the victims home, have one in his possession ?

That same evidnece rang throughout the entire justcie system of this Country, while district attorney's and attorney generals cried that petitioner had a key to the victims house!

That key was placed into petitioners possession by Robert Alexander on November 23, 2010 by way of text alterations. The Deputy District attorney John Thomas then created an audio version in his home on January 26, 2011 when he created an audio match to the altered answers by redacting and dubbing sounds from other answers givin by petitioner into their "NEW HOME" as suggesting petitioner actual said he had that key...."listen to the sound match the text"! DDA John Thomas then illicited the use of co-conspirator Ropberty Alexander to place this evidence into the states records as "AUTHENTIC" and "accuratly transcribed", on January 27, 2011!

That evidence was placed into petitioners possession twenty five years after the crime of murder occured. (exhibits 41, 42, 43 63, 64) These facts were not discovered until seven years after the trial at no fault of petitioner who was made to beg for discvoery from the very first day he was charged with murder. (exhibits 1-11) This process took seven years to get ahold of 5400 pages along with a compact disc which support these allegations of fraud upon the court by government bodies for case (#FVI900519). The full disclosure wqs made on January 2016 while petitioner was in recorvery from a stroke which left him invalent and immobile as well as visually impaired. Petitioner was forced into comparing the 5400 pages delivered to his hospital room with several thousand pages that had been piecemealed to him by trial counsel since March 11, 2009. (300 pages release in June 2009) (1300 pages released in July 2011) (1600 pages released in July 2014) All these records were in storage with the department of corrections because of the medical housing of a stroke recovery. All of thsi would be insignificant except that petitioner is innocent, his DNA proves

his innocence. The only evidnece suggesting guilt is the manufactured evidence that government bodies admit was manufactured as they bellowed they were immune during briefing stages ina billion dollar lawsuit. Admitting they acted outside of their discretions and fiduciary duties. (CASE #CIVDS1506664) "THE HECK RULE"!

Still handicapped, petitioner continued his pleight for truth and redress through the use of collateral attacks under the use of petition for hebeas corpus, which had been filed at petitioners earliest possible convenience because of detention and jurisdictional issues. Acts outside petitioners control because of lack of library access, full access to the entire files at the same time, visual impairments which hindered petitioners ability to bring this action at the very first filing in 2012 (Case #WHCSS 1200311)(exhibit 57)

The most alarming point in this argument is that these proofs of fake evidences were placed into states records for case (FVI900518) as states exhibit 49 (compact disc of original recording) and exhibit 49A a(113 page transcript created at the exact same time a 136 page transcript was created on November 23, 2010) "NONE" of the government bodies who partook into the frame up have ever denied that alterations after petitioner finally got possession of these proofs, which are now before the Superior Court of California, Court of appeals for California, and Supreme Court of the state of California, and rely on the Courts ruling that "IT WAS TOO LATE"! "THAT PROOF DOES NOT REACH THE FEDERAL THRESHOLD", erroneous conclusions and contradictory rulings under NAPUE V ILLINOIS 360 US 264 SCHULP V DELO , 513 US 298(1995);UNITED STATES V BAGLEY* 473 US 667 McQUIGGINS V PERKINS 596 US 383, 133 S.Ct. 1924((2013)(emphasis)

On October 9, 2018 a tragic miscarriage of justice occured within a territorial state Court, when a spokesperson of the Court deemed a factual innocence claim as "untimely". The remaining Courts of the state summarily denied petitioner plea for attention to the gross miscarriages of justice which prejudiced petitioner. The facts before the Courts had not been denied, refuted, or disputed to "any" length, making them factaully based as undisputed.

Petitioner filed factual innocence petition as a life without parole inmate arguing newly discovered evidneces that had not been developed until petitioner was handicapped because of a stroke. Mc Quiggins v Perkins, supra. The petition included discovery which up until recently then had been witheld by goverment bodies United States v Bagley supra-. The petition carried sufficient allegations of fraud by government body in comparison of all other evidences in that case, suggesting "deception. Napue v Illinois supra

Petitioner brought sufficient discovery to support ineffective assistance of Counsel pursuant to Strickland v Washington, supra, 466 US 668(1984); United States v Cronic466 US 648(1984) Bell v Cone 535 US 685(2002) All of petitioners claims were federally grounded with regards to violations to protected rights outloined by the United States Fifth, Sixth and Fourteenth Amendments.

The state court does not have the "discretion" to ignore federal questions of fact or law. This is the case before you today!

The "ONLY" culpable evidnece in petitioners case was the evidence manufactured by government bodies in retaliation for being sued for misusing petitioners case in their campaign smear. The rule of law states that "NOBODY" is above being held liable for acts determined as crimes, this includes district attorney's !