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DISTRICT ATTORNEY OFFICE
ERIC FERGUSON
APPELLATE UNIT
303 W 3rd st.
S.B.CA.92415

This service contained the following documents;

DISCOVERY REQUEST INFORMALLY PURSUANT TO P.C. 1054.9

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
CITY

92179

ZIP CODE

This service was conducted on (DATE) MAY 23, 2020

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 CDCR#AL0373
18-147
480 Alta rd.
1 Sandiego,ca,92179

2
3 RE: INFORMAL REQUEST FOR DISCOVERY PURSUANT TO P.C.§ 1054.9
4 IN RE STEELE 32 CAL.4th 682(2004)
5 TRIAL COURT #FVI900518
6 HABEAS CORPUS #WHCSS1200311

7 Dear Eric Ferguson;

8 As responding counsel for the state of California during
9 post trial habeas briefing, and [other] litigations instigated
10 by myself, your office as well as yourself have responded, alleging
11 certain facts within the trial record and discovery for DR#1331036-
12 07. THE MURDER OF Rita Mable Cobb on September 1985.

13 Specifically in your filings on October 19, 2012 and
14 May 1, 2013, your stated several facts that contradict historic
15 records which are memorialized by trial testimony, or discovery
16 which existed prior to the trial which occurred in January 2011.

17 Several of your statements to the Court were used to
18 navigate specific allegations, which if true would have afforded
19 relief pursuant to the rules of habeas corpus, post trial collateral
20 attacks. It is in these responses you provided which must have
21 been supported by [some] record which you relied that are the
22 target of this .P.C. § 1054.9 "INFORMAL DISCOVERY REQUEST".

23 Consistent to the language set out by [STEELE] these
24 discoveries "WHICH EXISTED PRIOR TO TRIAL" and "SHOULD" be in your
25 possession are now hereby requested as follows.

26 1) In your October 19, 2012 response you offered
27 that the jurors relied on states exhibit 49 and 49A to
28 determine that I admitted to having a key to the victims
home during interrogation on March 8, 2009. This inter-
rogation recording transcripts were and are the target of
[ONE] of my post trial challenges. "THIS EVIDENCE" was
tampered with by SBSD Detective Robert Alexander and
DDA John Thomas. "ANSWERS WERE CHANGED TO INDICATE CULPABILITY"
Arizona v Youngblood 488 US 51(1988); California v Trombetta,
467 US 479(1984);P.C. §132, 131, 134

This evidence would have been available to you
and in the form of three different articles. a) Compact
disc as states exhibit 49 b) 113 page transcript made
on November 2010 c) 136 page transcript made on November 2010

I DEMAND ALL THIS DISCOVERY FROM YOU NOW, PLEASE!

1 2) In your October 19, 2012 response you offered
2 to the Court that my "DNA WAS LOCATED UNDERNEATH THE VICTIM."
3 The records and discovery you had access to "SHOULD"
4 be in your possession which support this allegation.
5 This is one of targets in post trial challenge and is
6 blatantly false according to the trial record, expert
7 testimony, and was used to influence a Court about culpability.

8 I DEMAND ALL THIS DISCOVERY FROM YOU NOW, PLEASE!

9 3) In your October 19, 2012 response you stated
10 that there was no proof that the hair located on the
11 victims body was red. You stated this because I declared
12 that red hair had been located on the victim. The records
13 and discovery made available to you should still be in
14 your possession which support your allegation "THERE
15 IS NO PROOF THE HAIR LOCATED ON THE BODY WAS RED"!

16 This is one of the targets in my post trial
17 challenge....that trial counsel refused to have experts
18 examine DNA evidence which would have affected the result
19 in this case.

20 I DEMAND ALL THIS DISCOVERY FROM YOU NOW, PLEASE!

21 4) In your October 19, 2012 response you stated
22 that there was no proof the the DNA belonging to Gregory
23 Randolph (WILLIAM BACKHOFF) was located at this crime
24 scene. This information should be in your possession
25 and is related to arguments I am litigating in the
26 Court.

27 I AM DEMANDING ALL THIS DISCOVERY FROM YOU NOW, PLEASE!

28 5) In your October 19, 2012 response you stated
that my trial attorney Mr Sanders had filed motions
for DNA testing but was denied by the Court. This is
one of the targets in my collateral challenge regarding
failure to have DNA examined in this case. This information
should be in your possession at this time.

I DEMAND ALL THIS DISCOVERY FROM YOU NOW! Please.

6) After on or about May 24, 2017 your office
filed response briefs to a P.C. § 1405 motion I filed
for DNA testing. The Court appointed counsel Stuart
O'Melveny to prepare a brief. You provided information
to this counsel, or filed opposing briefs for this
motion. This information should be in your possession.

I DEMAND THIS DISCOVERY FROM YOU AS WELL

AS ALL COMMUNICATIONS BETWEEN YOU AND Mr O'Melveny
PLEASE!

7) , you stated in the habeas briefing
to the superiro Court judge, that Detective Robert
Alexander did not states a specific "RESPONSE" with
regards to whether he seen a fingerprint report, "DENYING
THAT ONE EXISTED". Can you provide me transcripts to
why you stated he did not deny their existance?

I DEMAND THIS DISCOVERY FROM YOU, PLEASE!

1 8) Furthermore, with regards to any and all police
2 reports, investigations and [other] informations in
3 your possession which indicate my involvement with this
4 murder I am now requesting that you provide to me in
5 paper form which indicate I was in the residence of
6 Mrs Rita Mabel Cobb at the time she had been killed.

7 This would include but not limited to statements,
8 informants, tangible records, interviews, expert witnesses,
9 forensics data collected at [any] time regarding my
10 involvement with this case.

11 I DEMAND THIS INFORMATION FROM YOU NOW, PLEASE!

12 9) With regards to any prior bad acts reports,
13 investigations, special investigations which include
14 interviews with, recordings of statements that would
15 indicate Evidence code §§ 1101, 1102, 1103, 1105, 1106,
16 1108. That proof of acts committed by myself upon another,
17 with regards to violence in [any] nature to include
18 but not limited to sexual acts, attacks on others,
19 physical harm upon another at any time in any state
20 or country. These informations should be in your possession
21 and should be made available.

22 I DEMAND THIS INFORMATION FROM YOU NOW, PLEASE!

23 10) Last but not the least, any and all letters,
24 e-mails, text messages, or [other] communications between
25 yourself and trial counsel David Sanders, Hal Smith
26 post trial counsel, Stuart O'Melveny post trial counsel,
27 detective Robert Alexander, Detective Greg Myler,
28 DDA John Thomas. ANY communications between yourself
and these parties at [any] time with regards to this
case in [any] nature with regards to facts, evidences,
informations, discoveries which should be in your possession
at this time.

I DEMAND THESE INFORMATIONS NOW, PLEASE!

THESE REQUESTS ARE NOT A FISHING EXPEDITION!!

P.C. § 1054.9 (a) Upon the prosecution of a post conviction
writ of habeas corpus in a case which the defendant had been sent
enced to Life without the possibility of parole, and on showing
of good faith efforts to obtain these records from trial counsel
were made and were unsuccessful, the Court shall, except as provided
in sub(c) order that the defendant be provided reasonable access
to any of the materials described in sub(d).

The findings in STEELE were that good faith efforts
were to be made with trial counsel. (Id at p.690) Furthermore
under the language of STEELE the prosecutor, law enforcement are
obligated to releasing these discoveries. (Id at p.696)

- 1 A) On March 11, 2009 I demanded from Geoffery Canty all
2 the discovery to this case.(HE PROVIDED NONE)
Canty was appointed as trial counsel
- 3 B) On May 2009 I ddemanded from newly appointed trial
4 counsel David Sander all the discovery to this case.
In June 2009 David Sanders provided me with 300 pages
5 telling that was all the discovery to this case.
6 WITHOLDING OVER 4700 PAGES
- 7 C) At the end of trial and after seeing there was over
8 5000 pages to this case, and during marsden hearing I
9 demanded the release of the entire file. On or about
10 March 2011 and after trial David Sanders provided me
11 another 1300 pages to this case.
12 WITHOLDIING OVER 3400 pages
- 13 D) After P.C. 1054.9 demands processed through state bar
14 complaints, David Sanders provided me another 1600 pages
15 in June 2014 stating that this was the states entire
16 file.
17 STILL WITHOLDING OVER 1800 PAGES
- 18 E) On January 2016 and five years after the trial and
19 seven years after the first demand for states entire
20 file, Hal Smith provided me with 5400 pages along with
21 a ccompact disc of audio informations as states exhibit
22 49, a recoridng of an interrogation created on 3/8/09

23 Because there had been numerous requests, and numerous
24 releases, all telling me that was all there is, when there was
25 more, I am forced into believing that full disclosure was impossible.

26 Then your arguments with habeas briefings as well as
27 other writings/ communications, this request herein is required
28 due to the [repeated] deceptive behaviors by trial counsel who
stated "THAT BATCH" was all there was, knowing "THERE WAS MORE".

"AND GROSS MISTATEMENTS OF FACTS BY YOURSELF, WITHOUT SUPPORT."
THIS DEMAND IS REASONABLE
DECLARATION

20 I am not the Killer of Rita Mabel Cobb. I was not in
21 the residence of Rita Mabel Cobb between September 18, 1985 and
22 todays current date. At the time Rita Mabel Cobb was killed I
23 was in the residence of Thomas and June Mullin who lived in Downey
24 Caliofornia from September 18, 1985 through September 23, 1985
25 at a famuily gathering. At this gathering Linda Mitchell , Joy
26 Mitchell, June Mullin, Thomas Mulling, Holly Yablonsky, as well
27 as several other in-laws seen my presence at this home between
28 the dates listed above. I did not kill Rita Mabel Cobb, nor do
I have any knowledge of who killed her, other than the discovery
information provided me by trial counsel which indicate Joseph
Saunders may have been involve, Gregory randolph may have been
involved, as well as about half a dozen other suspects outlined
by police reports made over the years. My relationship with Rita
Mabel Cobb was private, non violent, and sexual in nature where
all acts between her and I was consensual. I John Henry Yablonsky
an adult over the age of censent swear this under penatly of perjury.

1 I further declare that I was made to beg for discovery
2 from trial counsel who promised the papers he released was all
3 the discvoery to this case, knowing that he withheld thousands
4 of pages to this case over a period of five years from the date
5 I was first charged and asked to see the states entire file. I
6 further declare that I have been diligently trying to develop
7 this case from the date of the conviction while being incarcerated
8 within state ran facilities with minimal access to resources to
9 learn, study law in order to defend rights that were wrongly taken
10 away from me in this case. If called to testify, will state the
11 same in a court of law, according to belief and knowledge.

12 May 22, 2020

13 John Henry Yablonsky.

14 MY CURRENT ARGUMENTS FOR THIS CASE

- 15 1) The prosecutor violated due process roights when
16 Robert Alexander, DDA John Thomas altered evidnece
17 which they chose to use to coerse jurors
- 18 2) The prosecutor violated due process when he used
19 unreliable witnesses Robert Alexander, Bruce Nash,
20 John Sullivan to coerse a verdict, knowingly using
21 witnesses who perjured themselves.
- 22 3) Trial counsel failed to file impeaching motions, object-
23 ions to witnesses that gave unreliable testimony
- 24 4) Trial counsel failed to file suppression motions
25 with regards to states exhibit 49 and 49A which had
26 been a) illegally obtained b) Altered by changing
27 answers from one to another, te create elements
28 c) Used against petitioners fith amendment right
to be free from compulsory witness against self
- 29 5) Trial counsel refused to request funding for expert
30 witnesses for DNA examination of evidence directly
31 relatred to the murder of Rita Mabel Cobb
- 32 6) The Court violated due process rights when the Court
33 sentenced petition to life without parole when this
34 case was committed at the time petitioner was 21,
35 a juvenile offender, violating eighth amendment
- 36 7) Petitioner is factually innocent, his DNA clears
37 his presence at the crime scene by the mimimum of
38 one and a half days to several days before the murder
was committed on or about September 20, 1985.
(see experts testimony/ evidnece RT 347, 490)

CONCLUSION

Because I am laymen at law, and have been restricted from acces to knowledge, and resources which would have provided knowlledge, and after numerous deceptive responses by trial counsel I am forced into requesting these records from a prosecuting district attorney familiar to this case, and had written briefs on behalf of the state of California, and "should' have these records in his possession ,~~am~~ making this "informal" request

" REASONABLE "

REASONABLE

May 22, 2020

Respectfully requesting;
John Henry Yablonsky
an innocent man