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state bar
845 s. figueroa
l.a.ca.90017

stuart o'me;lveny
225 w hospita;lity#2011
s.b.ca.92#15

This service contained the following documents;

P.C 1054.9 discovery demand from appointed counsel bar complaint

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This service was conducted on (DATE) october 15, 2020

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablopek

(SIGNED) _____

My address is 480 alta rd sandiegom,ca92179

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

October 15, 2020

RE: STATE OF CALIFORNIA VS JOHN HENRY YABLONSKY #FVI900518
POST TRIAL DNA EXAMINATION PURSUANT TO P.C. § 1054.9
BRIEFING FILED BY Stuart O. Melveny ON MAY 24, 2017
DEVELOPMENT OF FACTS RELATED TO #FVI900518 HABEAS ATTACKS

WORK PRODUCT INQUIRY BY CLIENT
PURSUANT TO C.R.P.C. RULE 3-500
GOVERNMENT CODE § 6068(m)
P.C. § 1054.9
IN RE STEELE, 32 C4th 682(2004)

Dear Mr O'Melveny;

I appreciate your help with providing certain records after my March 3, 2020 request. The information you provided was useful, and interesting. There are a few questions which I need to ask; and beg that you answer.

HISTORY OF OUR RELATIONSHIP

On October 2016 I John Henry Yablonsky (YABLONSKY) filed a motion with the Superior Court of California (SAN BERNARDINO COUNTY) pursuant to P.C. § 1405 for expert DNA testing. In this case the Court chose to appoint conflict panelist, which in this case was your office. (STUART O'MELVENY ATTORNEY AT LAW)

Without discussing this matter with Yablonsky, your office filed a brief which was comprised of a) allegations and facts within my 2016 motion as well as b) facts you gathered elsewhere. The motion your office filed on May 24, 2017 incorporated several [INCORRECT] facts which Yablonsky filed objections to the Court.

Certainly the motion your office filed was based on some knowledge you [ACQUIRED] from parties other than your client Yablonsky. It is "THAT KNOWLEDGE" which is the target into this inquiry. It is my belief that your office served myself a copy of that motion, as I am certain I served your office a copy of that objection I wrote, regarding facts you stated within your brief.

Because that motion was denied based on the [INCORRECT] facts applied by your office, which your office got from "SOMEONE" or "SOME RECORDS" as a result of your inquiry, these are in fact work product which was generated by your office, which is the target of this inquiry. *That was created by you on my behalf,*

Although COVID19 pandemic is attacking our country at this time certainly the information I am inquiring about will be in your possession, and controlled environment. Please respond in kind.

QUESTION OF STUART O'MELVENY

1) Your office sought records, information regarding case #FVI900518 for the purpose of filing a brief for DNA testing pursuant to P.C. § 1405 for John Henry Yablonsky. Where from, who from, and how did you acquire the records which were the basis of your knowledge of facts pertaining to the case at hand in your brief filed on May 24, 2017? This is to include all named parties, their contact information, their position of authority (DISTRICT ATTORNEY OFFICER) (COURT CLERK) etc.? List all informations.

- A) From whom did you inquire knowledge of the facts?
- B) Please provide all copies of e-mails, instant messaging, letters to and from your office on this matter.
- C) Please list all records that your office received, who from and in what form they were made available to you, and provide copies of these correspondence.
- D) Are these the records your office relied upon when you prepared and wrote your brief in this matter?

2) In your 2017 brief written by your office for Yablonsky you stated several facts which were used to determine P.C. § 1405 was not suitable for Yablonsky. These facts stated by your office were inaccurate and require an answer by you;

(PLEASE REFER TO YOUR BRIEF ON MAY 24, 2017))

A) Several times within your brief you stated that witness Dianne Flagg gave testimony that she seen a pinto, and added she thought it was silver. (PP2:21-23) This was to determine she seen cars at the crime the time the crime occurred and your office implied she stated "IT MAY HAVE BEEN A DIFFERENT COLOR". Please tell which transcript location your office found that testimony, or from whom you learned this information??

YOUR STATEMENT WAS FALSE

B) Several times you stated that a felt pad was located underneath the victims body. (PP3:10-12) That Yablonsky DNA was located on that felt pad. Please tell me which transcript location your office found that information, what evidence in this case supports that statement? Or, whom did you learn that information?

YOUR STATEMENT WAS FALSE

C) Several times within your brief your office stated that Yablonsky admitted to having access to keys to the victims house. ((PP4:7, 11:13, 12: 21, 15:26) Please provide me where this information is located in the transcripts, or records "verified" by your office? Please confirm where you got this information and whom from?

YOUR STATEMENT IS FALSE

** DID YOU AUTHENTICATE THIS STATEMENT*

- D) Your office stated that Yablonsky admitted to owning a navy blue pinto. Please provide me the location in transcripts this information was located. (PP4:8) There appears to be an issue about what color car dianne Flagg seen at the crime scene. You suggested Yablonsky said his car was Navy blue. Where did you learn this information? From whom?

Your STATEMENT IS FALSE

- E) Several times your office stated in your brief that the Court of appeals disagreed with third party culpability issues. (PP5:24-25)(PP9:24-28) Please indicate to me which transcript this information was and the transcript identity marker.

Your STATEMENT IS INACCURATE

(COA8)
People v Hall 41 Cal.3d 826 (THE HALL THEORY) The COA correctly found under the hall theory that direct [OR] circumstantial evidence linking another to the crime satisfied the hall theory. (read Hall) In this case Helen Brook and Rita Cobb murders were typed as serial...being committed by the same culprit by two entities. V.I.C.A.P. as well as FBI CRIMINAL PROFILING, thereby circumstantially satisfied under HALL

"THE COURT STATED THAT THE FACTS BEFORE THE COURT IN THE APPELLATE RECORD DID NOT SUPPORT ANY OF THE FACTORS OUTLINED BY HALL: "(COA10)

This Helen Brook with Rita Cobb was not the only third party connection in this case!

"ROBERT MARK EDWARDS was convicted on one of the five murders typed by V.I.C.A.P. which satisfied "CIRCUMSTANCIAL" evidence linking mr Edwards to the Cobb murder, therefore third party culpability issues take form, and are applicable."

"GREGORY RANDOLPH also satisfied the third party culpability factors outlined by the third party culpability factor. The Court appeals found this information was an exception to the hearsay rules, if counsel presented the results of the confession which in this case led to investigations, and an arrest. Furthermore Mr. Randolphs DNA was located at this crime scene. Therefore the direct and circumstantial links satisfied the Hall theory (COA14)" IF THE STATEMENT WERE OFFERED TO SHOW WHAT IF ANYTHING THE SHERIFF DEPARTMENT DID IN RESPONSE TO THE WE TIP, THE REPORT AND ITS CONTENTS IS NOT HEARSAY"

IN THIS CASE THE CONFESSION LED TO INVESTIGATIONS AND ARREST!

THEREFORE AN EXCEPTION TO HEARSAY!]

- F) You stated that Yablonsky admitted to having sex with Rita Cobb two days before her body was found, and that "THEY HAVE THE IDENTITY OF THE CULPRIT"(PP11:9-12)(PP12:23) Please identify with Yablonsky where you located this information, and whom you got it from? (PP14:14-16)

Your STATEMENT IS FALSE

- G) You stated that Yablonsky did not have an alibi witness for this case. Please provide me with where you located this information, and whom you got it from? (PP11:18)

YOUR STATEMENT IS FALSE

This one is peculiar, because I have repeatedly told trial counsel, and written in most of my briefs that I had alibi witnesses which would have placed me in Downey California at the time this crime occurred. At a family function from 9-18-85 until 9-24-85 where more than a dozen family members witnessed Yablonsky 160 miles away from the crime scene.

- H) In your brief you stated that my DNA was located on the victims body. Please provide me the exact location, locations that this information is located in either transcript or evidence? Please provide me from whom you received this information?

YOUR STATEMENT IS FALSE

- I) Lastly sir you stated that the PEOPLE have other additional evidences linking me to the crime of murder upon Rita Mabel Cobb. (PP12;25) Please provide me all the evidence you have, declarations about the evidences you have seen regarding this statement, where it was located, what it said, and from whom you got this from?

I DEMAND THIS EVIDENCE NOW

!! "STRELE"

If your brief relied on other briefs, ruling by Courts, please indicate which brief, or Court your statement came from. This is critical, because the brief you filed included fraudulent statements that are not supported by "HISTORICAL RECORDS", and were used to depreciate due process rights to Yablonsky pursuant to statute for DNA examinations. Yablonsky was convicted of a crime where the question of who did this crime is "PARAMOUNT".

May I suggest a point of logic sir? That "IF" only one of the experts stated that Yablonsky DNA was at the scene longer than one and a half days, which the Court of Appeals agreed, then how could you conclude that Yablonsky DNA was located on and under the victims body? This totally escapes the experts testimony of Criminalist Donald Jones who stated Yablonsky DNA was located inside the victim and had been there for several days before Rita Cobb had been killed. (RT317)(RT490)

I am now asking that you answer these question "NOW" and that you provide Yablonsky with any and all records in your possession for case #FVI900518. All investigative notes, contacts you made, research data created by your office or self in this matter. As well as provide answers to these very important question.

October 15, 2020

John Henry Yablonsky

John Henry Yablonsky CDCR#AL0373
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October 17,2020

RE: ERIC MICHAEL FERGUSON NO.#20-0-07464
YABLONSKY V FERGUSON

Chief Trial Counsel;

I extend my gratitude to your office with looking into very important issues with facts that were improperly inserted into a criminal proceeding by the above named licensed attorney.

It is my interest in correcting the "FALSE MATTER" placed into the criminal proceedings records by a deputy district attorney who filed briefs which carried false matter to coerse a Court, establishing a record based on false information, which was relied on by other Courts to determine justice.

As an inmate my resources are extremely circumscribed because of available resources at the institution I reside, making options limited when it comes to this matter. As you see there is serious discrepencies with pleadings filed by DDA Eric Ferguson, and the manner which they were used. It is my desire to correct the false matter used and filed by Mr Ferguson, in the hopes of receiving a fair hearing at a later date.

It is my belief at this time that this can be done through C.C.P. § 435(a)(2), 436, 437(a), where false pleadings were placed into the Courts records. I am now establishing this ground at this time, while entering sincere desire to have the lisenese of Deputy District Attorney Eric Michael Ferguson be stricken from him.

The acts of Mr Ferguson as a court officer exceeded his role as an advocate, while violating rules of ethics, and professional conduct when he deliberately lied in his pleadings addressed to the Court for case #WHCSS1200311 SUPERIOR COURT OF CALIFORNIA.

It is my intention at this time to proceed with complaint upon a licensed member of this bar, and procedures to disbar that person for violations to rules, laws, statutes regarding the use of false information, knowingly. Which at this time Mr Ferguson now admits.

Respectfully;

John Henry Yablonsky

John Henry Yablonsky CDCR#AL0373
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October 16, 2020

RE: PEOPLE V YABLONSKY CASE#FVI900518

Dear Mr Brooks;

Your services have been working with and on my case for some time, and I extend my most sincere appreciations to and your staff for all the hard work, and sincere interests with helping me out on this difficult and trying matter. Thank you.

As you can tell I have been busy myself, trying to develop facts through various vehicles, trying to bring these issues to fruition. In my endeavors through the Courts and other means several things have become extremely obvious and deserve this attention.

First and probably the most striking obvious is that my DNA was not a factor in this case to any certainty, according to two of the states leading experts in this case. (RT317-criminalist Donald Jones) (RT490-Dr Saukel [the pathologist]) Both these experts cleared my DNA from this crime from 1½ to several days older than the murder. These findings are certain and undisputable.

Second and probably the most alarming is that there is a detective who directly handled critical evidences that chose to manipulate results, prior to turning them over to trial counsel. This same detective coerced witness testimony, who then gave deliberate misstatements of facts, as well as deliberately lied to the Court himself. Detective Robert Alexander.

The detective altered answers from an illegal interrogation recording held on March 8, 2009, creating this evidence on November 23, 2010. Creating two separate versions of the same recording and twenty three pages different. (THIS IS A HISTORICAL FACT) (UNDISPUTABLE)

This evidence was identified by the Court as exhibit 49A and unidentified for the 136 page set. Exhibit 49A was a 113 page transcript that "ALLEGEDLY" was played to the jurors. This is also false, the transcripts show DDA John Thomas took this exhibit home and created an audio version from states exhibit 49 (COMPACT DISC) to create a trial version that is different than exhibit 49A. (THIS IS A HISTORICAL FACT) Your offices have both states exhibit 49(compact disc) and 49A(the 113 page version) of the evidence. The actual version shown to the jury was never produced, and missing, but we have the "DOCTORED VERSIONS" in our possession. (THIS TOO IS HISTORICAL FACTS) Proof that they altered answers they used for trial purposes. (ALSO HISTORICAL FACTS).

This fact would be lethal for them to dispute, by arguing there is another version that was (undoctored) admitting BRADY! Therefore they will only dispute there just is no proof. Well, that issue is now under scrutiny in a battle with DDA Ferguson who entered lies in a 2012 briefing which he now in 2020 admits was false. (THIS TOO IS HISTORICALLY FACTUAL).

I urge your office to authenticate that audio version as I have already done, verifying the changed answers. I am now pursuing that an audio expert be obtained for the [TRUE AUTHENTICATION] of states exhibit 49 (THE COMPACT DISC). All recording devices, all copied "VERSIONS" from these recording devices as well as the production of a camcorder tape that was created at the Signal Hill police station on March 8, 2009 between 0950 hours and 1400 hours. This will assist in verifying that "THE EVIDENCE" used was in fact false, and used to coerce the jurors.

Next issues with Mr Alexander is that he took great interests in conducting "INFLUENTIAL" interviews with both Bruce Nash and John Sullivan. Both witnesses admitted this during trial, but the question and answers from both were washed from transcripts. (THIS IS HISTORICALLY ACCURATE).

Bruce Nash admitted that Det. Alexander coached what his testimony was going to be. Telling the Court that Mr Alexander visited him on the Friday before the Monday testimony. The results of this are that Mr Nash who gave several statements over the 25 years prior to the testimony stated that 1) He did not give Mrs Cobb a ride home after the Sullivan drinking party 2) That Mrs Cobb told him she was not going home. Even though the Court would not allow Nash's statement about Cobbs destination, Nash stated that he believed Mrs Cobb was headed home after the party., (PROOF THAT ALEXANDER COERSED THIS TESTIMONY) Even the interview Alexander had with Nash on March 12, 2009 determined that Nash believed Cobb was headed to the bar and not home. (SUPPORTING THAT THE TESTIMONY WAS COERSED BY ALEXANDER)(SUBORNATION)(NASH DID STATE HE DID NOT TAKE MRS COBB HOME) (THIS HISTORICALLY ACCURATE)

John Sullivan also admitted that Detective Alexander visited him that Friday before his Monday testimony.....to coach his testimony. Again the transcripts were washed when Sullivan was asked whether he had been coached. Strange as it may be, Mr Sullivan statement in 1985 was strikingly different than his 2009 statement to Mr Myler. This should have prevented this witness from testifying, but instead they placed him on the stand. Mr Sullivans testimony was different than his 1985 statement, which ironically matched everyone else's back then. His 1985 statement was that he had fallen asleep about 2230 hour, before Mrs Cobb left the party. On the stand Mr Sullivan stated that he remembers better now 25 years after the fact, and that he was not asleep when he seen Nash take Mrs Cobb home. (THIS TESTIMONY IS HISTORICALLY INNACCURATE)

Although both witnesses gave perjured testimony the lies were different. Nash telling the Court he felt Mrs Cobb was headed home. Sullivan stated he seen Nash drive Mrs Cobb home. The one thing they both admitted to was detective Alexander had coached their testimony. (THIS IS HISTORICALLY ACCURATE).

Detective Alexander testified about evidences he collects and transcribed into states exhibit 49A(the 113 page transcript) telling the Court it was historically accurate to the best of his ability. We now know this to be false because the 113 page verion compared to the compact disc shows answers had been changed. The answers were not similar, and the complete opposites, suggesting deliberate deception. (THIS IS HISTORICALLY ACCURATE)

The detective then testifoed about evidneces he reviewed inthis case, and whether he seen all the evidnece. In this case he admitted he seen everything, and knew the case fairly well. When he was asked about the existance of a fingerprint report, his historical answer was (HE DOES NOT RECALL ANY FINGERPRINT REPORTS FOR THIS CASE). The trial transcripts were altered,w ashing that lie into deliberate ommissions. (THIS IS HISTORICALLY ACCURATE) The prosecutors closing statement proves this.

I bring these issues up at this time, because this information is going into the Court which I am preparing for motions to demand discovery formally pursuant to P.C.§ 1054.9 and moving the court for 1) access to all police reports complaints on Alexander and Myler 2) All notes, and investigations by both officers 3) All communications between SanBernardino sheriff department and [ANY] other policing agency with regards to this case 4) All radio transmissions between Sanbernardino sheriff and any others on March 8, 2009 between 0600 and 1600 hours by Alexander and Myler 5) access to real time recorders that were used by both detectives on March 8, 2009 for this case and any copies made therefrom 6) The cam corder cassette from Signal Hill police station created on March 8, 2009 between 1930 and 1500 hours 7) All communications between DDA Eric Ferguson and DPD David Sanders, and Hal Smith, and DDA John Thomas , and Detective Robert Alexander, and Detective Greg Myler.

Pursuant to the language under P.C.§ 1054.9 an inmate sentenced to life with parole may be entitled to these records as well as the hiring of experts to autheniticate certain evidneces. In this case the primary targets are 1) That the audio creations by the detectives is in fact doctored and worst than unreliable, and should have been sträken from the record altogether 2) That the prosecutor knew this and still used this information 3) That Detective Alexander hasda history of this type of misconduct.

It is my intention to file apetition to have the brief filed by DDA Ferguson striken from the records, as well as all branches that his "FALSE INFORMATION WAS USED" to coerse a courts ruling. That list will be;

Superior Court (habeas)
Superior Court (PC 1405)
Court of Appeal(Habeas)
State Supreme (Habeas)
U.S. District Court (Habeas)
9th Cir Court of Appeal(Habeas)
U.S Supreme Court (Habeas.

As your office is already aware, DDA Eric Ferguson filed a false brief which was used to coerce the Court under collateral attack through habeas vehicles presented by myself in 2012. His 2020 response to a bar complaint he refiled more false matter, giving me reason to believe his 2012 brief was what forced the dismissal of all my legitimate habeas filings. I am attacking that mans license!!

I bring all this to your attention for very specific reasons. First being to make it known that the states lead detective in this case Detective Robert Alexander perpetrated egregious acts of fraud as discussed above, and had access to the states evidences in this matter. Including the DNA of this case. I personally seen the chain of custody records which suggest Mr Alexander got these evidences into his possession right before trial. Ordinarily this would not raise such flags, only we already know;

- 1) Detective Alexander altered answers when he created transcripts and swore they were accurate
- 2) Lied about the existance of a fingerprint report then arranged to alter the trial transcripts afterwards.
- 3) Coersed witnesses testimony of Nash and Sullivan, then altered trial transcripts afterwards.

He was also allegedly the one who interviewed Lori Amaro an ex-fiance of mines, who deliberately lied to the cops to get me out of the house. Her lies were discovered in 1996 when the detective heard her admit as much over the phone. Only for this trial she agreed to testify that I raped her in 1996. It is my suspicions that Alexander coerced her need to testify as well.

He was also the one who interviewed Kye Sun who also filed false charged on me in Texas so her and her pimp could extort monies from a military GI. Mrs Sun gave deposition in Texas to this, which was why the case was declined by the prosecutor back in 1982. Yet now for this trial, she was willing to testify that it was the truth. It is my suspicions that Apexander coerced her need to testify as well. Possibly using "DEPORTATION" since she was an illegal alien to this country..

Sir, the parties in this matter have pulled out any logical stops, from legitimate police work and extreme corruption. There are no limits set here as to how far this team will go to defent the conviction. It shocks me that a lawyer with the training as yourself, and potentials of overcoming these burdens, beleives that the DNA in this case was also not "MISHANDLED", just in case future testing would be done.

Ask yourself. If you went to all these extremes to get a coinconviction, and the list of parties included two detectives, three prosecutors, three trail lawyers from the public defenders office and a judge, there really are no limits in this case!

Please respond before your office tests anything, please!!

Respectfully;

John Henry Yablonsky