

PROOF OF SERVICE BY AN INMATE

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

PUBLIC DEFENDERS OFFICE  
14344 CAJON #201  
VICTORVILLE CA. 92392

This service contained the following documents;

GOV CODE § 6068(m) REQUEST DISCOVERY

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 30, 2021

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) JOHN HENRY YABLON SKY

(SIGNED) \_\_\_\_\_

My address is 480 ALTA RD S.D.CA.92179

1 John Henry Yablonsky CDCR#AL0373  
18-147  
2 480 Alta rd  
Sandiego, ca, 92179

July 30, 2021

3 RE: FILES RELATED TO PEOPLE V YABLONSKY CASE# FVI900518  
4 PURSUANT TO GOV CODE § 6068(m)

5 Dear public defenders office; (SENIOR SUPERVISOR)

6  
7 Your office represented me in a homicide case from March  
8 2009 through March 2011, where DPD Sanders, DPD Sczywitzer,  
9 DPD Canty were assigned to my case for "all" legal purposes related  
to the above stated case.

10 DPD Canty recorded my initial request for records on  
11 March 15, 2009, just a few days after my arrest and your offices  
12 appointment. He never provided me with any of the discovery I  
13 requested. DPD Sanders was appointed on or about May 2009, and  
I made formal personal requests for the states entire files. Mr.  
Sanders did not comply, forcing me to write formal requests for  
these records in June 2009.

14 In June 2009 Mr Sanders provided me with 300 pages of  
15 the what I later learned was from the states collection of 5400  
16 pages, making his release less than I requested, and less than 7%  
of the states actual files. Mr Sanders admitted to this failure  
to comply during a Marsden hearing in February 2011, after I had  
been convicted for a crime which I did not commit.

17 In March 2011 Mr Sanders provided me another 1300 pages  
18 from the states files, still withholding more than 3500 pages, telling  
me and the Court that was the states complete file for #FVI900518.  
19 I was forced into filing state bar complaints in 2014 targeting  
counsel's failure to make these files available. Mr Sanders then  
20 in July 2014 provided me another 1600 pages, different than the  
two previous releases, while still withholding 1200 pages of exculpat-  
21 ory records, directly related to "MY CASE".

22 It was not until 2016 that conflict panelist Hal Smith  
revealed to me there were 5400 pages of discovery, along with a  
compact disc, directly related to the case which I was convicted,  
23 of an audio copy of an illegal interrogations that occurred on  
March 8, 2009 when I was first arrested.

24 I have been forced into filing petitions for writ of  
25 habeas corpus, "WITHOUT" the appropriate records due to "YOUR LAWYERS"  
refusal to be transparent and release the states entire file. It  
26 is my belief the records support factual innocence and I make these  
demands for access to them now. Conflict panelist Stuart O'Melveny  
27 in recent briefings states you still have possession of these  
records.

28 DISCOVERY-1

1 I make this formal demand pursuant to government code section  
2 § 6068(m) as rules of professional conduct rule 3-500. That the  
3 following records be provided to me at no expense because 1) I am  
4 indigent 2) your office represented me because I was indigent  
5 3) That all files provided me were targeted by CDCR for revenge  
6 and taken from me and compromised.

7 I am preparing to file a state habeas collateral attack  
8 upon the conviction, and require these records in their entirety.  
9 It is my belief that state prosecutors withheld exculpatory materials  
10 when they provided the files to your office, and the entire file  
11 in your possession will support this allegation.

12 Pursuant to gov code § 6068(m) and C.R.P.C. rule 3-500  
13 your office shall keep client reasonably informed about significant  
14 facts related to the case which your fiduciary duties are bound.  
15 C.R.C.P. rule 3-110 states that counsel shall not recklessly, intent-  
16 tionally fail to perform legally obligated services. To deny access  
17 to these records is tantamount to being misleading, obfuscating to  
18 clients interests. (PICKERING V STATE BAR 24 Cal.2d 141(1944);  
19 Matter of Brockway 4 Cal , state bar court RPTR 944(2006)("MUST KEEP  
20 CLIENT REASONABLY INFORMED")

21 That counsels misleading, omissions or statements which  
22 violate truthfulness violated section 6068(m)(PICKERING) Because  
23 appellate conflict panelist Stuart O'Melveny made deliberate false  
24 statements during a P.C. § 1405 hearing demands your compliance to  
25 these records because he stated he got that information from your  
26 office. (CLARK V STATE BAR , 39 Cal.2d 161(1952);(ESCHWIG V STATE  
27 BAR 1 Cal.3d 8(1969) Trial counsel has a duty to preserve and respond  
28 to reasonable inquiries. (WEBER V STATE BAR 47 Cal.3d 492(1988)

It is because DPD Sanders deliberate acts of moral turpitude  
compounded by conflict panelist O'Melveny acts of misrepresentations  
of the truths, this demand is required before I can file my petition.

These records are required before I can even begin to develop  
the facts in this case which trial counsel recklessly forfeited at  
the pretrial phase, causing the wrongful conviction, and travesty  
of injustice in this matter.

I NEED EVERY PAGE OF MATERIAL YOU HAVE FOR THIS CASE!!  
AS WELL AS ANY AUDIO RECORDINGS ON COMPACT DISC!!

Duty to disclose facts even after attorney/ client relationship  
ceased. (KRIEGER V STATE BAR 43 Cal.2d 604 (1954)(SECTION c)\* (m)

Respectfully submitted;

John Henry yablonsky