

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

July 31, 2021

RE: DEMAND FOR ACCESS TO DISCOVERY PURSUANT TO P.C. § 1054.9
CASE #FVI900518 DR#1331036

Dear County District Attorney Anderson;

I am an inmate who was sentenced to life without the possibility of parole for a case which I am 100% innocent of. I have sought discovery from public defenders with little cooperation, and piece meal access that forced less than transparent disclosure. (GOVERNMENT CODE § 6068(m) (BRADY V MARYLAND))

*300 pages from the 5400 pages before trial 2009

*1300 pages after trial and before direct appeal 2012

*1600 pages after state bar complaint 2014

It was the deadline issues outlined by AEDPA and other statutes that forced the filing of collateral attacks, "WITHOUT" the full discovery to this case. Since my first petition filed in 2012, facts have developed "MISCONDUCTS" by your staff then, and Michael Ramos team of "COLD CASE INVESTIGATORS" prior to trial.

I am presenting your office with this demand for access to the states files, because the "LESS THAN FULL DISCLOSED" files have been removed from my possession, and I intend on attacking the integrity of this conviction. It is my belief that the demand is in proper format and intelligible. Please cooperate.

I have served what I believe are the appropriate parties for these records, and expect your office to cooperate with these requests to bring reasonable facts to the courts attention that existed prior to trial, but for some reason (MISCONDUCT) were withheld.

I am not a lawyer, nor do I have funds to hire one, and would appreciate your patience, and professionalism. Please see the attached demand for discovery which is informal at this time.

Respectfully;



John Henry Yablonsky CDCR#AL0373
AN INNOCENT MAN WRONGLY CONVICTED!

14 pages

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

July 30, 2021

3 cc; SanBernardion County District Attorney
4 cc: SanBernardion County Coroner
cc; SanBernardion Sheriff Department (EVIDENCE AND PROPERTY)
5 cc: SanBernardino Sheriff Department (SCIENTIFIC INVESTIGATIONS)
6 cc: SanBernardino Sheriff Department (PERSONNEL RECORDS)
cc; Cal-DNA Data base laboratories
cc: Riverside Criminalistic Labratories

8
9 L.W.O.P. INMATE DEMAND FOR DISCOVERY
PURSUANT TO P.C. § 1054.9/ CRIMINAL DISCOVERY ACT

10 RE: PEOPLE V JOHN HENRY YABLONSKY CASE #FVI900518
11 PURSUANT TO P.C. § 187 LIFE WITHOUT POSSIBILITY OF PAROLE SENTENCE

12 To Whom this concerns;

13
14 I am an inmate serving a life without parole sentence
15 for a crime which I did not commit, and choose to collaterally
16 attack the integrity of this travesty which resulted in a
miscarriage of justice in 2011 when a panel of jurists did not
know the facts within this request, which indicate innocence.

17 I sought full disclosure of the states discovery through
18 appointed counsel from the Victorville public defenders office.
The appointed counsel deliberately, recklessly withheld 97% of
the states files before the trial (5100 pages) sabotaging my ability
to participate in my defense.

- 19 1) On June 2009 300 pages were released from the 5400
20 pages within the evidence to this case. Counsel Sanders
told me that was the states entire file. (he lied)
- 21 2) I was then given another 1300 pages, different than
22 the first 300 pages by Mr Sanders and again told
this was the remainder of the states files. (HE LIED)
- 23 3) In June 2014 after being convicted for a crime which
24 I did not commit, filed state bar complaints against
public defender David sanders demanding the states
25 entire files. In July 2014 Sanders provided 1600
more pages, different than the first two releases,
26 and still not the entire file, telling me "that was
all there was to this case". (HE LIED ONCE MORE)

27 THERE ARE OVER 5400 PAGES TO THIS CASE!
28 ALONG WITH A COMPACT DISC OF AUDIO FROM AN INTERROGATION!

POINTS AND AUTHORITIES

Pursuant to the CRIMINAL DISCOVERY ACT prosecutors as well as state related persons, agencies have a duty to produce records related to defendants cases. The ACT reaches beyond mere requests;

- 1) The production of any and all materials, informations the prosecuting attorney actually possesses
- 2) The productions of materials and informations the investigating agencies actually possess, and/ or knows they possess in another location
- 3) The productions of materials and information they do not know they possess
- 4) The materials and informations that prosecutors and /or investigating agencies have reasonable access to

These requests reach all relevant real evidence seized, obtained as part of the investigations for the charged offense. These disclosures are covered by the Supreme Courts ruling (BRADY V MARYLAND 373 US 83[1963])(P.C. § 1054.1) The disclosure shall include evidence favorable to the defense that could hurt the prosecutions case.

(PEOPLE V EARP, 20 Cal.4th 826[1999]);(PEOPLE V MACIEL 57 Cal.4th 482[2013]) Evidence is favorable to the defense even if it is only minimal. (COMSTOCK V HUMPHRIES 786 f3d 701 [9th cir. 2015]) This duty to disclose includes "impeaching materials". (TURNER V UNITED STATES, 137 S.Ct. 1885[2017]);(STRICKLER V GREEN 527 US 263[1999])(SAME) (PEOPLE V WILLIAMS 58 Cal.4th 197[2013]);(PEOPLE V URIBE 162 Cal.app. 4th 1457[2008]) Evidence is favorable to either guilt or penalty phase of the trial. (IN RE BACIGALUPO 55 cal.4th 312[2012])

The duties to preserve include;

- 1) "NOT TO DESTROY"(ARIZONA V YOUNGBLOOD 488 US 51[1988]) (CALIFORNIA V TROMBETTA 467 US 479 [1984])

The ethical duties of the prosecutor include any electronically store information. (C.R.P.C. Rule 5-220)

1 These ethical cannons of the prosecutor require the prevention
2 of lawyers from supressing any evidnece the prosecutor has ethical
3 duties to reveal and produce. (RULE 3.4) (JONES V SUPERIOR COURT ,
4 26 Cal.app.4th 92[1994]) It also prohibits lawyers from misleading
5 behaviors. (RULE 3.4(b))(B&P§ 6068(d), 6106) (IN RE YOUNG 49 Cal.3d
6 257[1989]) These duties exceed beyond the constitutional command to
7 provide charged defendants, exceeding statutory obligations, and
8 have broader interpretations to include a matter of ethics during
9 habeas corpus proceedings. (PEOPLE V GARCIA 17 cal.app.4th 1169[1993]
10 (CITY OF LOS ANGELES V SUPERIOR COURT 29 cal.4th 1[2002])("THAT BRADY
11 MATERIALS SHALL BE DISCLOSED AFTER TRIAL")(EMPHASIS ADDED)

12 These ethical cannons "shall" include material evidence that
13 is favorable regardless of materiality. (CONE V BELL 556 US 449[2009])
14 In 2017 california amended it's rules of professional conduct to
15 impose upon prosecutors duty to disclose "ALL FAVORABLE EVIDENCE"
16 whether it tends to negate the guilt of the accused, mitigates the
17 offense sentence, regardless of materiality.(C.R.P.C.RULE 3.8(d)
18 Pursuant to P.C. § 1054.1 the prosecutor "shall" disclose to the
19 defendant all of the following materials, information, if it is in
20 the possession of the prosecuting attorney or the prosecuting attorney
21 knows it to be in the possession of the investigating agencies;

- 22 a) The names of all persons the prosecution intended on
23 calling at trial.
- 24 b) Statements of the defendant (INCLUDE ALL COPIES RECORDED
- 25 c) The existance of all seized evidnece, or obtained as
26 part of the investigations of the charged offense.
- 27 d) The existance of any felony convictions of states witness
- 28 e) Any exculpatory evidnece (OR ITS LOCATIONS)
- f) Relevant written or recorded statments of witnesses,
 or reports whom the prosecutor intends to call upon.

1 Pursuant to P.C. § 1054.9 the prosecutor has an obligation
2 to provide discovery to defendants whom have been sentenced to life
3 without the possibility of parole. This access "shall" include
4 "discovery materials" in the possession of the prosecuting attorney
5 and law enforcement agencies, to include "all" agencies who performed
6 investigatory services for the charged offense.

7
8
9 THERE IS GOOD CAUSE FOR THIS DEMAND

10 That Rita Mabel Cobb was strangled to death in her home
11 on or about September 20, 1985, just after she had left a friends
12 party a few hours earlier that Friday night. There were several sus-
13 pects in these investigations since the charged offense, to include;

- 14 1) Robert Mark Edwards (SENTENCED TO DEATH FOR TYPED SERIAL)
- 15 2) Joseph Saunders (who was noted as one of the last persons
16 to have seen Mrs Cobb alive on Friday September 20, 1985
17 when he arrived at her home a) uninvited b) was never
18 told where Mrs Cobb lived c) kept a journal about his
19 alleged relationship with Mrs Cobb d) left his fingerprint
20 at the scene of the crime e) had access to her home
21 f) knowledge of Mrs Cobbs habits g) had knowledge of her
22 home floor plan h) did not have an alibi)
- 23 3) Gregory Randolph (who's DNA was in a location where it
24 was not suppose to be. Two days after the murder he app-
25 roached SBSB in the Lucerne division telling deputies he
26 heard they were looking for his help solving the murders
27 when deputies had requested his help. This set interests
28 into Mr randolphs true intentions regarding this murder.
Deputies collected cigarette butts left behind by Randolph
for investigations. Mr Randolph stated it had been two
weeks since he was last at the Cobb residence, when his
vehicle had engine troubles. Mr Randolph some three y ears
later made confessions about killing Mrs Cobb. (1988)

1 Mr Randolphs confession was made at a drinking party where
2 his confession was interpreted as fact. After the aprty
3 these party goers called SanBernardino WE-TIP organizations
4 with details of Mr Randolphs confession at the party which
included;

- 5 a.) That he met Mrs Cobb at the Zodiac Lounge on Friday
6 night. (THE SAME NIGHT SHE HAD BEEN KILLED)
- 7 b.) That they went to her house and got into an argument
8 over Mrs Cobb being sexually turned off by Mr Randolph
- 9 c.) That he strangled her to death over this argument, until
10 she turned black
- 11 d.) That he raped her afterwards.

12 The WE-TIP confession led to special investigations by
13 Detective carr from SBSB who initiated the evidences from
14 the Cobb murder scene to being processed (FINALLY THREE
15 YEARS AFTER THE CRIME SCENE EVIDENCE HAD BEEN COLLECTED)
16 As a result of this confession, detectives arrested Mr Ran-
17 dolph for the murder of rita Mabel Cobb in August 1988.
18 During this arrest Mr randolph revealed that he had been
19 employed as a SanBernardino County Cornoer. Sheriff detect-
20 ives later al~~er~~ed Mr Randolphs behavior around female
21 homicide victims as peculiar.

22 As a result of the evidneces not being processed right
23 after collections from the murder scene, prosecutors were
24 forced into dismissing the complaint against Mr Randolph.
25 Some time later when DNA science began developeing, it was
26 known that Mr Randolph committed suicide. During the invest-
27 igations of the suicide scene at Mr randolphs trailer the
28 detectives uncovered several trophies in the form of photo-
graphs. *MR RANDOLPHS DNA WAS RECOVERED FROM COBB CRIME SCENE*

- 4) Meryll Gibbs (Who committed a murder suicide crime against
his wife in the exact same manner which Mrs Cobb had been
killed, then killed himself)

Mr Yablonsky's DNA was found inside the cavity of Mrs Cobb,
and determined by two of the states leading experts that a) The
DNA matching Mr yablonsky was older than the murder by several days.
(RT 317 - JONES - SEVERAL DAYS OLDER THAN THE MURDER)

1 b) That the DNA inside the vaginal cavity of Mrs Cobb was as many
2 as more than one and a half full days before she had been killed.

3 c) That Mr Yablonsky's DNA was not located anywhere else on the vic-
4 tims body. (RT 419 - SAUKEL - UP TO ONE AND HALF DAYS OLDER THAN THE MURDER) (RT 317 - JONES - SEVERAL DAYS OLDER) (RT 419 - SAUKEL - MORE THAN 1 1/2 DAYS OLDER)

5 d) THAT THERE IS NO PROOF YABLONSKY RAPIED MRS COBB
6 The prosecutor DDA John Thomas believed the DNA to be as
7 many as one week older then the crime of murder. The following
8 findings were made related to Mr yablonsky's DNA that was located
9 inside Mrs Cobb by several parties;

- 10 a) The trial counsel findings were that the DNA matching
11 Mr yablonsky was older than the crime of murder
- 12 b) The post trial conflict panelist attorney found the DNA
13 matching Mr yablonsky was not related to the murder.
- 14 c) The Court of appeals found during direct appeal that
15 the DNA matching Mr yablonsky was older than the crime
16 of murder by at least one and a half full days, adding,
17 "that Mrs Cobb could very well have met someone other
18 than the defendant in the parkinglot of the zodiac Lounge
19 and taken home and killed ""That Mr yablonsky could very
20 well have had sex with Mrs Cobb on Thursday, and been
21 killed by someone else some time later"

22 The defendant yablonsky was interrogated 25 years after
23 the crime had occured, while in front of his wife, children and mother
24 in law, regarding his personal relationship with Mrs Cobb. ~~and~~ As
25 a result of the surrounding circumstances of the interrogation
26 which included a) NO MIRANDA WAIVER b) The relationship between
27 defendant and Mrs Cobb was not related to a murder c) The family
28 surrounding the home during interrogation d) The officers were
on duty and from more than one policing agency, petitioner lied about
his carnal relationship when asked. The authentications process for
this recording was not preserved and altered by SBSB homicide detect-
ives.

1 Mr Yablonsky's DNA was not located on the following items
2 which indicate involvement with the crime of murder;

- 3 a) The murder weapon located around the victims neck
4 b) The watchband pin located beneath the victims head
5 c) The victims blood that had been smeared onto the bedroom
6 door jambs of the crime scene
7 d) No location on the victims body, outside the victims vaginal
8 cavity
9 e) Not underneath the victims body onthe bedding, sheets, or
10 confterer
11 f) (PT 317 "SEVERAL DAYS OLDER THAN MURDER") (PT 419 "MORE THAN 1 1/2 DAYS
12 OLDER THAN MURDER")

13 Mr yablonsky's fingerprints were not located inside the
14 crime scene, or at the crime scene. Mr Yablonsky was in the city of
15 downey california from September 18 , 1985 until September 23, 1985
16 with family members at the time this crime of murder occured with;

- 17 a) Holly Mitchell Yablonsky (WIFE)
18 b) Linda Mitchell (MOTHER IN LAW)
19 c) Joy Mitchell (SISTER IN LAW)
20 d) Thomas Mullen (WIFES GRANDFATHER)
21 e) June Mullen (WIFES GRANDMOTHER)
22 f) Holly's uncle (MOTHERS BROTHER)
23 g) Holly's cousins

24 CRITICAL POINTS OF INTEREST

25 That the records to this crime were withheld by TRIAL
26 counsel, until after direct appeal had been exhausted and state habeas
27 petitions filed. Sealing the trial record as a direct result of acts
28 by government bodies whose duties were to protect constitutional
interests of Mr yablonsky at all critical phases of the trial, for-
bidding Mr yablonsky from ever participating in his defense, or help
counsel during the fact development stages. The record is erroneous!

1 That as a direct result of trial counsels withholding
2 of these vital records that are material as to "WHO COMMITTED THIS
3 CRIME" my post trial attacks were deceptively hindered where facts
4 that existed prior to trial, fell silent upon the trial record,
5 during direct appeal, writ of habeas corpus collateral attacks upon
6 the wrongful conviction. That during post trial habeas filings in
7 state Court, DDA Eric Ferguson stated facts that did not exist in
8 real time, from this case, into the habeas petition case#WHCSS1200311.
9 Facts that petitioner could not at that time dispute because of
10 the "HIDDEN RECORDS" from this trial record, due to deliberate and
11 malicioius acts of government bodies.

12
13
14 JOHN HENRY YABLONSKY MAKES THIS
15 DISCOVERY DEMAND FROM GOVERNMENT BODIES

- 16
17 1) Any and all copies of the interrogation recordings created
18 by SBSB Detective Robert Alexander on March 8, 2009.
19 This shall include any and all copies whether in text
20 or captured in audio form of the "REAL TIME" original
21 recordings. This shall include any and all text, compact
22 discs created for trial purposes or other investigatory
23 reasons . This shall include any copy used for trial purpose.
24
25 2) Any and all complaints within the SanBernardino Sheriff
26 Department employment history of Detective Robert Alexander
27 Greg Myler. This shall include any and all citizen complaints,
28 inner department disciplinary write ups, informal complaints,
 as well as disciplinary actions upon either officer.
 This shall include any and all records of employment
 within this department that relate to infractions of
 department procedures, policies, of any misconducts.

1 3) Any and all lists of evidences collected from the murder
2 scene of Rita Mabel Cobb on or about September 23, 1985.
3 This shall include a cronological list as well as any
4 and all chain of custody related to said evidneces.
5 This shall include identity markers by numeric or other,
6 as well as descriptions of said evidneces and where
7 these evidences were collected from and by whom. This
8 shall include any and all DR#'s related to this case
9 #FVI900518. INCLUDING CHAINS OF CUSTODY OF EVIDENCE

10 4) Copies of all reports related to forensics evidneces
11 collected from the crime scene of Rita Mabel Cobb whether
12 used for trial or not. This shall include any and all
13 request for examinations, the results of those examinations
14 and by which agency produced those results. This shall
15 include all forensics related evidences regarding DNA,
16 fingerprint, blood samples collected from the crime
17 scene, and any other related investigations for this
18 case.

19 5) Copies of all interviews by any agent of the SBSB off,
20 SBDA offices with any witnesses regarding the murder
21 of rita Mabel Cobb on September 23, 1985. This shall
22 include all police reports created by any and all agents
23 of the prosecuting office, to include multiple statements,
24 reports created for investigatory purposes. This shall
25 include names, dates, and contents of these interviews,
26 and by which officer they were conducted, either in
27 person or over the phone. This shall include any transcripts
28 of interviews held by any agent and any witness regarding
the murder of rita Mabel Cobb, and at any time.

6) A complete list of all witnesses on the prosecutors
witness list, whether called to testify or not. This
shall include Linda Mitchell, Holly Mitchell Yablonsky Brown,
Lori Amaro. Kye Sun Delgado, and any other witnesses, THAT WERE
ON PROSECUTORS WITNESS LIST AT TIME OF PRETRIAL INVEST-
IGATIONS, AND AT TIME OF TRIAL.

1 7) Any and all forensics reports generated, created by
2 any agency for the SBSD related to this case of murder
3 of rita Mabel Cobb from September 23, 1985 until today's
4 date. This shall include any and all requests for examination,
5 results from examinations by any agent of the state,
6 and all evidences examined for this case.

6 8) The results of any and all forensics results of examinations
7 of ;

- 8 a) The watchband pin located beneath the victims
9 head.
- 10 b) The murder weapon collected from around the victims
11 neck
- 12 c) The victims blood smeared into the bedroom doorjamb
- 13 d) The cigarette butts collected at this scene
- 14 e) The desk cloth located on the victims bed (TO INCLUDE
15 THE ENTIRE PIECE OF EVIDENCE AND ANY REPORTS
16 WHERE THE EVIDENCE WAS DAMAGED, OR DESTROYED)
- 17 f) The victims clothing located on the bedroom floor
- 18 g) The results of the hair located on the victims
19 body. (TO INCLUDE WHAT COLOR THE HAIR WAS)
- 20 h) The tape liftings from the victims body
- 21 i) Any and all swipes from the victims body
- 22 j) The contents from beneath the victims fingernails
- 23 k) The results of any and all fingerprints located
24 at this scene.
- 25 l) The results of any and all DNA collections from
26 the victims body cavities.
- 27 m) The results of the victims clothing in her bathroom
28 laundry hamper
- 29 n) The jewelry located on the victims nightstand
- 30 o) The gag placed into the victims mouth
- 31 p) THIS SHALL INCLUDE WHICH EVIDENCES WERE PLACED
32 INTO WHICH BAGS, INCLUDING EVIDENCES THAT WERE
33 PLACED INTO THE SAME BAGS
- 34 q) Any and all other evidences collected from this
35 crime scene related to forensics examinations
- 36 r) Whether these evidences are still available and
37 capable of being examined by laboratories.

38 S) CHAIN OF CUSTODY OF EVIDENCE

- 1 9) Any and all notes taken by officers when they interviewed
2 any witnesses. This shall include any note pad pages
3 related to the investigations of the murder of Rita
4 Mabel Cobb on September 20, 1985.
- 5 10) Any and all requests by counsel, at any time related
6 to discovery requests for this case, to include DPD
7 David Sanders, DPD Geoffry Canty. This shall include
8 any and all e-mails, letters, texts, or other forms
9 of communications regarding the discovery related to
10 the murder of Rita Mabel Cobb
- 11 11) Any and all affidavits filed by any officer for the
12 arrest, search for investigatory purpose in the murder
13 of Rita Mabel Cobb. This list shall include any and
14 all affidavits whether enforced or not, to include
15 Gregory Randolph, John Yablonsky and any others.
- 16 12) The records collected from states forensics specialists
17 who were expected to testify during trial. This shall
18 include any and all communications between the prosecutors
19 office and the pathologist, the criminalist, DNA specialists,
20 and any other expert who testified during this trial.
- 21 13) Any and all other evidences collected by any agent related
22 to the investigations of the murder of Rita Mabel Cobb,
23 at any time between September 23, 1985 and today's date,
24 whether aggravating or mitigating this case on any level.
25 *PRIOR TO AND DURING TRIAL*
- 26 14) A list of where these evidences are collected from and
27 who controls them.
- 28 15) The murder book created from this case by SBS.

