

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. CORDERA, 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:

SUPERIOR COURT
247 w third
s.b.ca.92415

DISTRICT ATTORNEY
303 w 3rd
s.b.ca.92415

SHERIFF DEPARTMENT
655 e third
s.b.ca.92415

*SUPERIOR COURT
14455 CIVIC DR #200
U.V. CA. 92392*

This service contained the following documents;

NOTICE OF MOTION TO RECONSIDER DENIAL OF ACCESS TO PERSONNEL RECORDS

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
SANEDITY

92179

ZIP CODE

This service was conducted on (DATE) _____

AUGUST 30, 2021

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) JOHN HENRY YABLONSKY

(SIGNED) _____

My address is _____

480 alta rd s.d.ca.92179

1 John Henry Yablonsky CDCR#AL0373
17-122
2 480 Alta rd
Sandiego,ca.92179
3
4
5
6
7
8

9 CLERK OF THE COURT
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SANBERNARDINO

12 PEOPLE(RESPONDING PARTY), CASE# FVI900518
13 PLAINTIFF,

14 NOTICE OF MOTION FOR RECONSIDERATION
OF COURTS DENIAL OF ACCESS TO SHERIFF
PERSONNEL RECORDS OF DETECTIVE ROBERT
ALEXANDER, DETECTIVE GREG MYLER FOR
IMPEACHMENT PURPOSES (CREDIBILITY)

15 VS.

16 JOHN HENRY YABLONSKY,
MOVING PARTY,
17 DEFENDANT, THE HONORABLE JUDGE DWIGHT MOORE

18 THIS COURT SHOULD HONOR PITCHESS
19

20 Defendant John Henry Yablonsky (MOVING PARTY) was convicted
21 in 2011 in a trial where false evidence was used to coerse the
22 jurists decision. This false evidence was created by sheriff detective
23 Robert Alexander on or about November 23, 2010 (STATES EXHIBITS
24 49[COMPACT DISC] and 49A [TEXT TRANSCRIPT]. The "ONLY" culpable
25 evidence presented in that trial was an audio recording where
26 Yablonsky was answering interrogatory questions by Alexander, whether
27 he had a key to a house which Yablonsky shouldnot have had.(EMPHASIS)
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THERE IS GOOD CAUSE

The facts outlined within the original moving papers are hereby forward incorporated herein;

- 1) That an original recording was altered on November 23, 2010 by Detective Robert Alexander , editing audio of custodial markers, altering defendants answers.
- 2) That Detective Robert Alexander gave falsified testimony during trial where he knowingly testified falsely the transcription of states exhibit 49A were accurate
- 3) That Detective Robert Alexander knowingly gave this falsified evidence to trial counsel David Sanders as being accurate, knowing that the states exhibit was missing a thirty second interaction where Yablonsky tried to terminate the "INTERROGATION" but was forced to the local police station
- 4) That Detective Robert Alexander knowingly gave false testimony regarding the existence and contents of a fingerprint report for case #FVI900518 DR#1331036-07

THIS COURT IS MOVED WITH PLAUSIBLE SCENARIOS
BASED ON FACTUAL INFORMATION

The states exhibits 49 (COMPACT DISC) and 49A (113 PAGE TRANSCRIPT TEXT) were moving factors in the case where someone was charged with first degree murder, and the sentence for this crime was life without the possibility of parole. These evidence were false in several ways. First being that they did not match one another by 26 pages and more than forty five minutes audio. Yet Detective Robert Alexander (ALEXANDER) testified they were accurate under Ca. Ev Code § 1401-02. THERE WAS NO COPY OF THE ORIGINAL RECORDING|

RECONSIDERATION-2

1 Second the evidence presented at trial was not the
2 same as when Yablonsky gave in real time answers. The answers were
3 changed in violations to Ca. Ev. Code § 1402. Miller v Luco, 80 Cal
4 257(1889) This principal of protecting evidence is well established
5 law of the land. Alexander redacted, removed, erased from all "copies"
6 custodial markers which indicate mandatory MIRANDA. Even though
7 Alexander had already filed for and gotten "ARREST" powers on march
8 4, 2009 with a warrant for arrest, custodial indicators are well
9 established policy of the Sheriff department, and was removed to
10 avoid duty to stop interrogating. There is no copy of the custodial.

11 Third the evidence presented ~~the evidence presented~~ at
12 trial was not the same as when Yablonsky gave in real time answers.
13 The answers Yablonsky gave regarding "WHETHER HE HAD A KEY TO RITA
14 COBBS HOUSE" was that Yablonsky "DID NOT HAVE A KEY". The [VERSION]
15 Alexander showed to the Court indicated on states evidence 49, and
16 49A indicate Yablonsky "ADMITTED TO HAVING A KEY TO RITA COBBS
17 HOUSE". THIS EVIDENCE IS FALSE!!(EMPHASIS ADDED) The laws regarding
18 this are well established in two senses. First it is criminal in
19 nature violating P.C. §§ 131, 132, 134. Ca. Ev Code § 1401, 1402.

SECOND, IT CHANGES THE MEANING

20 Fourth, this evidence was provided to trial counsel,
21 post trial counsel and appellate counsel cheating them and the
22 defendant from fairness outlined by the fourth, fifth, sixth and
23 fourteenth amendments . Yablonsky trial, post trial motion for
24 new trial, and direct appeal were forbidden access to these informat-
25 ions which would have persuaded the Courts, that the conviction
26 was based on falsified evidence where the ~~lead~~ investigator of
27 the case deliberately, knowingly altered evidence to coerse the
28 Court. VIOLATING DUE PROCESS + CONFRONTATION CLAUSES, HEARSAY

1 Probably the most alarming is that Alexander did this
2 exact same thing in a case where he altered the audio copies to
3 coerce a conviction. (People vs. Opal Leanne Faulk) (CONVICTED OF
4 FIRST DEGREE DOUBLE MURDER ROBBERY WHICH OCCURED IN 1985 AND WAS
5 CONVICTED IN THE SAME COURTROOM IN VICTORVILLE CALIFORNIA IN 2012)

6 ALEXANDER HAS A HISTORY OF EGREGIOUS ACTIVITY

7
8 PLAUSIBLE SCENARIO

9 Had this information been available during trial, trial
10 counsel could have filed suppression motion for the states evidence
11 to be stricken off the record. This is valuable because the states
12 theory was that because Yablonsky denied having sex with Rita Cobb
13 before she had been killed, that the "denial" could be inferred
14 by the jurist that the sex was "NON CONSENTUAL". Without the "DENIAL"
15 the state would not have had ^{THIS} a theory. This is important because
16 the DNA located in this case matching Yablonsky as determined
17 by two states leading experts. (RT317) (SBSD Criminalist Donald
18 Jones) "THAT THE DNA MATCHING YABLONSKY WAS THE RESULT OF AN ENCOUNTER
19 THAT OCCURED SEVERAL DAYS BEFORE RITA COBB HAD BEEN KILLED" (This
20 is critical because this was accepted by the prosecutor who considered
21 "SEVERAL DAYS MEANING POSSIBLY A WEEK".) (RT490) (SB Pathologist
22 Dr Saukel) "THE DNA MATCHING YABLONSKY WAS THE RESULT OF AN ENCOUNTER
23 THAT OCCURED AS MUCH AS ONE AND A HALF DAYS BEFORE RITA COBB HAD
24 BEEN KILLED"

25 BOTH THESE EXPERTS WERE ACCEPTED BY THE STATE

26 Had the real time audio been provided to the Court, it
27 would have shown Yablonsky denying having access to a key which
28 belonged to Rita Cobbs home, therefore other than the evidence
which was DNA, there is no evidence Yablonsky was inside the Cobb

1 home at the time of the murder, and the jurors would not have had
2 anything to infer, other than the DNA matching Yablonsky to the
3 scene was anything other than Yablonsky had sex with Rita Cobb
4 more than a day and a half before she had been killed.

5 Furthermore the Court of Appeals adopted the DNA evidence
6 "AS BEING OLDER THAN THE MURDER ITSELF". The Court of Appeals found
7 that "A" could have had consensual sex with Cobb on Thursday night,
8 and been killed by "B" on Saturday morning" (EMPHASIS ADDED)
9 The case teetered on the audio recording made by the detective
10 outside of MIRANDA and should not have been shown to the jurist
11 because Yablonsky never testified, and presenting the audio, or
12 text in any form violated right to be free from self compulsory
13 against himself. *HEARSAY, UNRELIABLE.*

14 At no point did Alexander or any state officer of the
15 Court produce any real time, unaltered, unedited version of this
16 recording at "ANY TIME". *TO ANYONE ON DEFENSE TEAM*

17 18 THERE IS A FORENSIC AUDIO EXPERT

19 In this case, a forensic audio technician verified that
20 the proprietary version of these "RECORDINGS / COPIES" indicates
21 there is 30 seconds difference between states exhibit 49 and "ANY
22 AUDIO COPIES AVAILABLE" and the ORIGINAL RECORDING . The expert
23 stated the proprietary version of this recording cannot be altered!
24 None of the defense team has ever seen or heard the real time version
25 of this recording. *SUPPRESSION MOTIONS WOULD HAVE BEEN INVALIDABLE*

26 ANALYSIS

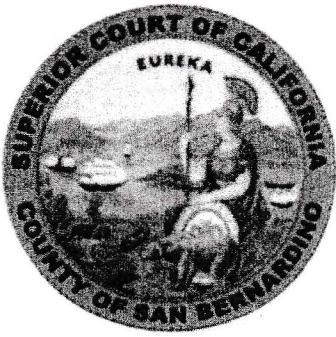
27 The release of this officers records within the department
28 will be fruitful in discrediting the states evidence.

1 The detectives history within the department will support
2 post trial challenges where Yablonsky will make these allegastions
3 which the Court will certainly look for records to support. Because
4 Yablonsky DNA was older than the crime and the states theory was
5 that Yablonsky denied having sex with rita Cobb at all, made his
6 denial propinsity because of the DNA. Why else would the DNA be there
7 if Yablonsky did not have sex with Cobb. It does not matter that
8 Yablonsky lied to the detectives regarding this question because
9 Yablonsky's entire family sat there a few feet away from the interr-
10 ogation, and listening to every word. Yablonsky's admission of having
11 extra martial affairs would have only started "FIDELITY" concerns
12 with his then third wife. This would have also placed sensative
13 information in front of children who did not need to hear their
14 father was unfaithful. Furthermore because the sex Yablonsky had
15 with Mrs Cobb had nothing to do with any crime, much less murder,
16 it was Yablonsky right to deny the questions truthfulness.

17 That the manner whio**b** Alexander altered this evidence
18 indicates that he was 1) trained 2) has experience 3) created
19 a custom and policy to ignore rules of evidnece and standards of
20 the departments policy ~~XXXXXXXXXX~~ng regarding handling of evidnece
21 and MIRANDA safegards. Al;exander created two seperate versions
22 of this recording , 1- 113 page version and 1-126 pagesversion
23 on the same date, indicating his intention to deceive. Next Alexander
24 editing the audio on the non propriatory version allowed him to
25 alter audio where he altered the text answers, which were shown
26 to the jurist on January 26, 2011. His expertise in fabriactions
27 rang all the right be**cl**s to reach a verdict of guilt.

28 August 30, 2021

John Henry Yablonsky



Superior Court State Of California
County of San Bernardino
Victorville District
14455 Civic Drive Suite 200
Victorville, CA 92392

RESPONSE TO MOTION

John Henry Yablonsky CDCR # AL0373
18-147 (R.J. Donovan Corrections)
480 Alta Rd
San Diego, CA 92179

Case Number: **FVI900518**

Case Title: People vs. John Henry Yablonsky

Your Motion in Pursuit of Personnel Records of SBSB Detective Robert Alexander was received and forwarded to Judge Dwight W. Moore.

Your motion was placed in file.

Action taken on your request is as follows:

MOTION GRANTED

MOTION DENIED

Additional Comments:

Affidavit fails to state plausible scenario to justify Pitches inquiry.

Dated: 08/24/21


Deputy Clerk