

9/20/21, 11:19 AM

September 21, 2021

John Henry Yablonsky, CDCR # AL0373  
30 Alta Road  
San Diego, CA 92179

Dear Mr. Yablonsky:

The San Bernardino County Sheriff's Department ("Department") has concluded its review of the Public Records Act request wherein you seek the type of name and model of Sheriff recorder used during an interrogation which occurred on March 8, 2009.

The Department has located the attached documents, which may be responsive to your request. Duplication costs have been waived.

Sincerely,  
San Bernardino County Sheriff's Department

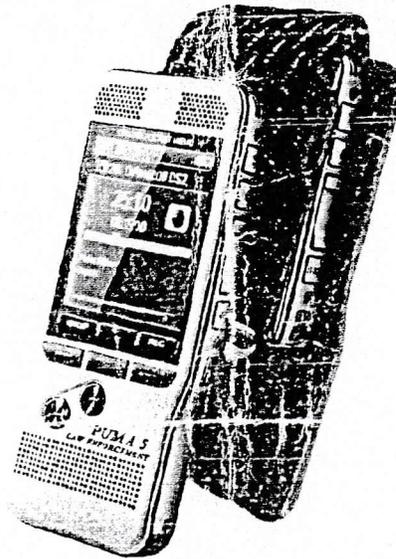
Puma 5  
RECORDERS

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ATTACHMENTS  
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# *PUMA 5 USER GUIDE*



*VERSATILE INFORMATION PRODUCTS INC.*

*1-800-794-4044*

*WWW.PUMARECORDERS.COM*



Rev 04

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ATTACHMENT  
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A9



CHRISTOPHER M. NUNLEY  
Chief of Police

**POLICE DEPARTMENT**

WWW.SIGNALHILLPD.ORG

2745 Walnut Avenue • Signal Hill, California 90755 • (562) 989-7200 • FAX (562) 989-7293

November 10, 2020

John Henry Yablonsky  
18-147  
480 Alta  
San Diego, CA 92179

Dear Mr. Yablonsky:

As previously stated in my letter to you dated October 27, 2020, the Signal Hill Police Department is not in possession of any evidence related to your case involving the San Bernardino Sheriff's Department. It is common practice and more convenient for law enforcement to use a facility in closer proximity to the person they need to interview, rather than transport that person to their facility. And it is not the responsibility of the hosting department to store evidence related to their interview; which is the case in this matter. If the recording equipment in the interview room was used, the tape in said equipment would have been removed and turned over to the San Bernardino Sherriff's Department. No other copies would have been made.

It is my hope that this clarifies the procedure for you.

Sincerely,  
*Gloria Muñoz*  
Gloria Muñoz  
Property & Evidence

BY PERSON IN STATE CUSTODY

PROOF OF SERVICE BY MAIL

CAM CERDEZ

ATTACHMENTS  
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110

"Committed to Excellence in Service"

TO BE VERBATIM (ACCURATE)  
TO EXHIBIT 49 CD DISC OF INTERVIEW

THIS IS  
IN STATES EXHIBIT  
49A

113 PAGE  
TRANSCRIPT  
DATED 11-23-10

113 PAGES

113 PAGES  
10/25/10

ATTACHMENT  
4

103

J-1

49A

EXHIBIT  
CASE # RV1300513  
MEMBER: YABLONSKY, JOHN  
DATE: 11-23-10  
DATE ENTERED: 11-23-10

ES, AZ

(X)

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 had sex? Never got in any fights with her? She was a nice lady? You're nodding  
2 your head no?

3 JY: Yeah, no

4 GM: Ok.

5 JY: (inaudible)

6 GM: And this is, how was Holly back then? Was she . . . .

7 RA: Was she strictly with you or did she have boyfriends?

8 JY: I was hoping she would go. As far as I know she was always with me, just with  
9 me.

10 GM: Ok.

11 RA: So you guys, you guys had a relationship where um, you didn't date outside of  
12 yours and Holly's marriage. Cause I know that some people do that you know.

13 GM: Talked a lot of different types of people.

14 RA: Yeah, people do that. That's their thing but that wasn't your guy's thing?

15 JY: Uh-uh.

16 RA: Ok.

17 GM: Anything else you can think about? You hear any other rumors back then?

18 JY: No.

19 RA: Any other. . . .

20 GM: Did she get you guys had a key for the rental or . . . .

21 JY: Yeah, I'm sure we had a key.

22 GM: Ok, did you guys also have a key to Rita's house?

23 JY: Um, yeah.

24 GM: Ok, so she wasn't like that it was strictly business? She didn't allow anybody in her  
25 house?

26 JY: No

27 RA: Did, did she have a key to your apartment?

28

CHANGED ANSWER

NO TO UM, YEA

ALTERED FROM [NO] AUDIO + VISUAL

TO SUM, YEA T SEC EXHIBIT 4 CD

STAFF EXP ST HT

ALTERED ANSWER

ATTACHMENTS 5

164 (F5) AS

X

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

Drug use  
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Carming  
cap inter  
w/ record  
p 120  
we know  
100% you  
killed her  
indispute  
evid.  
p 124  
El Paso  
126

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

5 RA: Test. -- Today's date is March 08, 2009. It's approximately 09:15 hours.

6 GM: Can we talk to you for one second?

7 RA: The following interview will be reference to case number 07-88. (overlapping conversation)

9 Radio Transmission GM: Alright, we'll be talking to him at the house.

10 Radio Response: We're still gonna stand by right?

11 (door closing)

12 Radio Response Transmission RA: Yes.

13 GM: Hey, how you doing?

14 RA: Hi.

15 (door closing)

16 RA: Hey, we're detectives, we're following up on a, on a case.

17 GM: I'm Greg. (overlapping conversation)

18 RA: We'd like to sit down and talk with you for a couple of minutes. I've got some photographs I'd like to show you. Do you have a couple of minutes?

20 JY: Yeah, absolutely.

21 RA: Ok, great.

22 JY: And your name is?

23 RA: Rob and Greg.

24 JY: Need to get my dog out of there.

25 RA: Move in the little area here. Is he an attack dog?

26 JY: No, he's a golden retriever. He'll lick you to death. We can go in here...make sure, c'mon.

NOTICE

HIDDEN

Page 1 of 136

#A4672

November 23, 2010

Reviewed by Det. Rob Alexander

X

ATTACHMENTS  
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B2 5-6

B2

A4

2/5/12

COPY OF STATE EXHIBIT 49A ~~117A~~ PAGE  
INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

2 HOURS, 40 MIN. (LONG)  
NOTICE DATE, PAGE COUNT,

5 RA: Test. -- Today's date is March 08, 2009. It's approximately 09:15 hours.

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19 photographs I'd like to show you. Do you have a couple of minutes?

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24 JY: Need to get my dog out of there.

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26 JY: No, he's a golden retriever. He'll lick you to death. We can go in here...make sure,  
27 c'mon.

NOTICE

X

49A

Page 1 of 113

#A1672

November 23, 2010

B1 1-5

B

NOT ATTACHED  
TAB

PROOF OF SERVICE

I George Yablonsky an adult over the age of consent and not a party to this action now declare under the penalty of perjury that I mailed a true and accurate copy of this motion for petition for writ of prohibition/ mandamus upon the following parties in postage full; prepaid envelopes as addressed herein on September \_\_\_\_\_ 2024 to the following addresses

Superior Court of California	District attorney Jason Anderson	4 <sup>th</sup> appellate Court
14455 civic dr	303 w third st	6 <sup>th</sup> fl
v.v., ca. 92392	s.b, ca. 92415	3389 twelfth st
		r.s., ca. 92501

This mailing occurred from the county of Sanbernardino in the city of Lucerne valley zip code 92356 on that same date

September \_\_\_\_\_ 2024

George Yablonsky  
COURT APPOINTED LEGAL RUNNER

Dated this [day] of [Month], [year].

\_\_\_\_\_  
[Attorney Name]

ADD COPIES OF  
6 PAGE ATTACHMENT

COVER

DISTRICT ATTORNEY

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1 JOHN HENRY YABLONSKY  
#2309342444  
2 9500 ETIWANDA  
R.C., CA. 91739  
3 IN PROPRIA PERSONA

4 URGENT!

5  
6 CLERK OF THE COURT  
7 4<sup>TH</sup> APPELLATE DISTRICT COURT  
8 DIVISION TWO

9 JOHN HENRY YABLONSKY  
10 PETITIONER,

Case No.: FVI900518 (TRIAL COURT)(1172.6)

11  
12 VS. N

NOTICE OF PETITION OF EXTRAORDINARY  
HYBRID PETITION FOR WRIT OF PROHIBITION/  
MANDATE WITH POINTS AND AUTHORITIES  
AND SUPPORTING ATTACHMENTS  
THIS CASE IS CURRENTLY BEING HEARD  
PURSUANT TO PC 1172.6

13  
14 SUPERIOR COURT OF CALIFORNIA;  
15 COUNTY OF SANBERNARDINO;

DATE;  
TIME;  
DEPT;

16 RESPONDENT;

CURRENTLY ON  
~~THE~~ CALENDAR

17 COUNTY DISTRICT ATTORNEY JASON  
18 ANDERSON

19 REAL PARTY OF INTEREST;

THE HONORABLE JUSTICE OF THE COURT

20  
21 **THIS IS AN EXTRAORDINARY PEREMPTORY**  
22 **PETITION FOR WRIT OF PROHIBITION AND**  
23 **PETITION FOR WRIT OF MANDAMUS**

24 This hybrid writ asking for extraordinary relief is necessary in its dual capacity function  
25 in the preservations of rights or John Henry Yablonsky (PETITIONER), the beneficially  
26 interested party as outlined herein. (TOBE V CITY OF SANTA ANA 9 C4th 1069(1995))

27 MCCARTHY 162 CA2d 775 - GOMEZ 50 C7d 640

SEE ADDRESS DIA  
PAGE 303 WITHED 6TH FL  
#10 S.B. CA. 92415

SIGNATURE OF SEZMCC-  
PAGE #10

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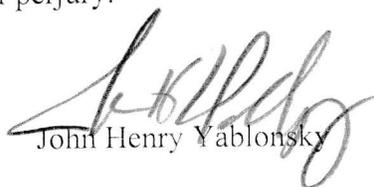
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EXHIBITS ATTACHED.....  
STATEMENT OF FACTS..... 3  
QUESTIONS PRESENTED.....  
ARGUMENTS..... 9  
CONCLUSIONS..... 10  
PRAYER..... 10

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VERIFICATION

I John Henry Yablonsky the petitioner in this instance and a party to  
This action now declare under the penalty of perjury that the following  
statements of fact, relations to exhibits attached are true and accurate  
according to belief and knowledge and if called to testify will state the  
same in a court of law under the penalty of perjury.

September 24, 2024

  
John Henry Yablonsky

I. STATEMENT OF THE FACTS

Petitioner moved the Court pursuant to PC 1172.6, filing a verified petition which the  
county district attorney Jason Anderson (THE REAL PARTY OF INTERESTS) (DA) filed a  
striking motion which relies on, specifically depends on a specific piece of evidence the district  
attorney knows, should know is unreliable, because the evidence was manufactured by DDA  
John Thomas on January 26, 2011.(RT455;24) It is the district attorney's position that a copy of  
a statement made by petitioner proves petitioner is the actual killer as now required by SB 775.  
The statement in its unaltered state is not incriminating, but after alterations does suggest an  
incriminating intent. The statement evidence according to the DA proves criminal intent to  
commit felony- murder pursuant to 189(e). Because the statement evidence is remarkably false,  
the Court would be mis-impressed and would come to an improper conclusion on sufficiency,  
because all the actual incriminating murder evidence does not, could not prove to have been used  
by John Henry Yablonsky in [any] crimes that occurred to Rita Mabel Cobb on September 20,  
1985. OR ANY OTHER!

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- 1) Petitioner John Henry Yablonsky in an action now pending in the respondent court pursuant to PC 1172.6 cases No.#FVI900518, against the People of the state of California/ County District attorney Jason Anderson, DDA John Thomas actions the true and real parties of interest
  
- 2) Respondent The Superior Court of California, county of Sanbernardino, district of Victorville California have been exercising a judicial function described above and below.
  
- 3) All the proceedings about which petitioner is concerned have occurred within the territorial jurisdiction of this Court, therefore the Court now has jurisdiction as described below. (COOPER V SUPERIOR COURT 118 CA3d 499(1981)
  
- 4) No other petition for writ of prohibition or mandamus exists on this matter as set forth herein, this is the only true existing petition on this issue.
  
- 5) Petitioner seeks extraordinary relief from this Court because in this instance, in addition to matters set out herein are necessary that this writ be issued by this Court;
  - a) That on December 14, 2022 petitioner filed a verified petition pursuant to PC 1172.6 thereby legally invalidating petitioner's sentence.
  
  - b) That on January 26, 2024 county district attorney Jason Anderson filed with the court a motion declaring and relying on a specific piece of evidence the district attorney know, knew was false and expected to mislead the Court and cause irreparable injury to the petitioner
  
  - c) That the striking motion specifically relies on "statement evidence" originally collected on March 8, 2009 and now being used in its altered state to improperly move the court (Defendant Striking Motion) (DSM3;5-8) "His DNA and the fact that when interviewed by law enforcement officers, the defendant admitted her knew Rita Cobb but denied having sex with her" (DSM3;22- 4;1) " Dr Saukel determined that the DNA matching Yablonsky was the result of sex which occurred as much as one and a half days before Rita had been murdered". Therefore the statement evidence is the [ONLY] evidence which incriminates petitioner, because of its altered content

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d) The statement evidence is used to depict a truth in evidence from the content of the statement evidence to prove a fact of the accusation by the district attorney office, that [ALLEGEDLY] John Henry Yablonsky committed felony- murder on 9-20-85. The statement evidence was falsified by the district attorney office multiple times. (11-23-10 & 1-26-2011) **5 SEPERATE VERSIONS**

e) The statement evidence being used is unlike real time recording because the district attorney altered content, altered answers given by petitioner , altering this evidence in violation to CRPC Rule 5-200(B), PC 132, 134, 135 (RT455;4, 455;24)(DA) "I got to go through the evidence and decide where I got to cut the evidence so that it sounds good"

f) There were five separate versions of the [COPIES} made by the district attorney office. Three created on November 23, 2010 creating 1- 113 text copy, 1-136 text copy and 1- audio copy, **ALL UNLIKE ONE ANOTHER AND UNLIKE REAL TIME RECORDINGS.** Then on January 26, 2011 the district attorney office created two more copies, unlike the first three copies made and unlike t real time recordings, creating 1- text copy designated as states EXHIBIT 49A, and 1- audio text shown to the jury for case #FVI900518

6) That on March 8, 2009 SBSB Det Alexander and thirteen other officers collected statement evidence for a trial outside proper MIRANDA, recorded this on PUMA 5 recorders and 1- audio/ video cam- corder

7) These 3-8-09 statements were transcribed in such a way the copies created are unlike real time recordings, and were created to manufacture evidence to prove intent. ( SEE EXHIBITS ATTACHED)

8) Petitioner had previously moved the Court, other parties to discover and develop these facts, in hopes of finding relief. Each effort was faced with hardships of the trial record, or at that time insufficient proof;

a) Superior court case #FVI900518when petitioner first discovered this issue that that the statement evidence had been altered discovered on 1-27-11

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- b) Superior court case #WHCSS 1200311 during habeas attacks briefing DDA Eric Ferguson brief declared that the statement evidence is the evidence the jury relied to determine guilt, identified as states EXHIBIT 49A.
  - c) State bar complaint pursuant to PC 1054.9 against DPD David Sanders to get access to the states entire discovery file. There was 2300 pages release where I then discovered there were multiple transcripts created on the same day. This data arrived while in state prison on June 12, 2013.
  - d) United stated District Court case # EDCV-14-1877-PA where the Judge of the Court determined that it was the statement evidence that the jury relied on to determine whether petitioner was guilty, **THE ALTERED STATEMENT EVIDENCE SHOWS PETITIONER ADMITTED TO HAVING A KEY TO THE VICTIM HOUSE.** (SEE YABLONSKY V MONTGOMERY)
  - e) Expert investigators from New Jersey identified as Centurion Investigations who then after complete review of this case, all the 5400 pages of discovery along with copies of states exhibits 49 & 49A discovered that the state's evidence does show that petitioners answers were changed from one to another at 1 hour 7 minutes & 15 seconds into real time recordings. ( see exhibits attached) This investigation agency also concluded that it was the statement evidence which convicted petitioner, considering the fact the DNA evidence of this case clears petitioner of the crime by as few as one and a half days.  
(RT491)
- 9) There appears to be no other remedy available than this extraordinary writ relief requested here, which when granted will prevent dimensional as well as constitutional injury in the current PC 1172.6 proceedings held by the respondent.

1 10) This petition is appropriate and timely in its dual capacity;

2 A) In exercising of petitioners writ of prohibition staying all proceedings in the  
3 respondent court pursuant to PC 1172.6 until the disposition of this Courts  
4 exercise.(HILL v SUPERIOR COURT 10 C3d 812(1974)

5 B) Enforcing the release and production of states entire arsenal of [copies] of the  
6 interrogation which occurred on March 8, 2009; 3 –copies created on  
7 November 23, 2011, 2 – copies created on January 26, 2011  
8

9 11) Petitioner filed the appropriate objections at the superior court and district court  
10 levels without any success for failure to produce sufficient proof to support the.se  
11 claims. As a result all efforts to corrective measures were denied based on the lack  
12 of sufficient showing, which is now presented here.

13  
14 POINTS AND AUTHORITIES

15 In all situations petitioner is entitled to an affirmative defense of his liberty, an ability  
16 to negate elements of the offense of the crime. (CAL CONST ART I. SEC 1) (PEOPLE V  
17 ERWIN 20 Cal.app.4<sup>th</sup> 1542(1993) Petitioner is entitled to the reliability in evidence used by the  
18 district attorney office. (WHITMAN v SUPERIOR COURT 54 Cal.3d 1063((2991) the right to  
19 confront (MILLS V SUPERIOR COURT 42 Cal.3d 951) and the right to attack unreliable  
20 evidence used against penal interests. (HOSECK V SUPERIOR COURT 10 Cal. App, 4th  
21 605(1992); (NEINHOUSE V SUPERIOR COURT 40 Cal.app. 4<sup>th</sup> 83 (1996) Petitioner is  
22 entitled to the proof of the anticipate evidence to be discovered in the “statement evidence” being  
23 used by the district attorney office which SB 775 demands. (BANKS @ 803) (CLARK @ 618)  
24 (STRONG @ 711) There is a requisite burden established.  
25  
26  
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DA  
X

1 ( UHELMAN 9 cal.3d 622(1973); (MORRIS 46 Cal.3d 1(1988) In this instance there is  
2 sufficient issues regarding the “statement evidence” which in its unaltered state is non-  
3 incriminating, but, in its altered state incriminates petitioner in the form of proving an element of  
4 the charge when they changed the meaning of the statement evidence in violation to CA EV  
5 1402 “the authentic writing may not be altered until it changed the meaning” (MILLER V LUCO  
6 80 Cal 257(1889) CA EV 1521 “There is a conflict about the content of the secondary evidence”  
7 (AMCO PRODUCTIONS 6219 f2d 1383); (IN RE BROWN 17 CA; .4<sup>th</sup> 873(1998)  
8 “DESTROYING FAVORABLE EVIDENCE” (MITCHELL 81 Cal.app.5<sup>th</sup> 575(2022)  
9 “statement used to lighten prosecutors burden is impermissible”  
10  
11

12 In the face of the overwhelming and compelling facts of this case that there is no  
13 physical or scientific evidence tying petitioner to the actual felony- murder proving that  
14 petitioner is not, was not involved with this case which occurred on 9-20-85, thereby eliminating  
15 him as a suspect altogether. The statement evidence after it had been manipulated suggest guilt,  
16 while the unaltered version does not. They placed evidence into my procession when they  
17 changed my answers about having a key to the victim s house. All the courts have made this  
18 distinct conclusion. That conclusion is attached to the altered portions of the statement evidence  
19 (ROBINSON V SUPERIOR COURT 49 Cal.2d 186(157) There must be some rational ground  
20 for assuming possibility the crime was committed by petitioner other than the falsified statement  
21 evidence. (HART SELL 34 Cal.app.3d 8(1973); (BANKS @ 803) ;( Clark @ 618) “THE  
22 TAMPERED AND ANTEDATED STATEMENT EVIDENCE CANNOT BE THE LINK  
23 BECAUSE THIS EVIDENCE IS REMARKABLY UNRELIABLE”.

24  
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26 **THIS IS A NAPUE ERROR; NAPUE V ILLINOIS 360 US 264(1959)**  
27 **KNOWING USE OF FALSE EVIDENCE**

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12) Petitioner will be irreparably injured because the district attorney is independently relying on this misleading evidence to meet his requisite burdens in these PD 1172.6 proceedings if the respondent Court is not restrained and the real party of interest is not forced to produce states entire collections of "statement copies" created on both November 23, 2010 & January 26, 2011.

ARGUMENT

1) PETITIONER WILL BE UNFAIRLY PREJUDICE WITHOUT HELP

As discussed above petitioner is faced with sufficiency issues that stem from the trial record, which in this case now includes the fact that there was evidence created by state actors who altered real time evidence in clear violation to evidence codes, completely redacting custodial activates to hide MIRANDA issue, changed petitioners answers from one to another placing evidence in to petitioners possession to meet an element of the charge. To have a key to someone's house that you're not supposed to imply an intent to commit a crime, which in this case, and intent to commit felony-murder. That evidence though, in any of the altered versions eliminates the true context of the statement. The altered version does show an intent to commit a crime. In the face of the compelling physical and scientific evidence, this altered statement does cause a miscarriage of justice where an entire panel of jurors were misled, forcing them to come to unreliable conclusions. Now after the filing of a verified petition, the district attorney office relies on that misleading evidence one more time, to cause irreparable injury. As discussed, CA EV Code 1402 states that the evidence may be altered, redacted, but, that the redactions may not change the meaning. When they change my answers, they changed the meaning!

PC-1054-1054.10 HILL VS. SUPERIOR COURT, 10 C3d 812 (1974); PEOPLE VS. SUPERIOR COURT (MITCHELL), 5 C4th 1229 (1993) I know this appears odd, but the DA already filed false evidence and referred to it in his striking motion (DSM3;5-8) Unless the truth in evidence is revealed there may be no order to show cause. At this point no ruling has been made on this evidence. That evidence was illegally seized. (MUNICIPAL COURT, 12 C3d 658;)(SUPERIOR COURT - SCOTT, 112 CA3d 602 (1980) There is a standing suppression motion pursuant to PC1538.5 that has yet to be heard.

DA  
X

CONCLUSION

Petitioner moves this Court because there is no other relief. State actors have lied about the content of this evidence relying on the "TRIAL RECORD" which does not show more than one copy. The post trial challenges developing these facts were extensive. The exhibits attached hereto does show that there was in fact more than one copy created for this case, but, not on January 26, 2011, proving that the copies made on January 26, 2011 are in fact different than the copies made on November 23, 2010. This act is misleading. The damages are cumulative and unless this Court helps, could become catastrophic in the form of a constitutional travesty.

**THERE IS NO OTHER RELIEF AVAILABLE**

PRAYER

- 1) The Court must immediately stay all 11722.6 proceedings until further ordered
- 2) This Court must issue a peremptory writ of prohibition in the first instance, restraining the respondent Court, its officers and all persons acting by and through its orders from taking further steps in these PC 1172.6 proceedings for case #FVI900518
- 3) This Court must issue a peremptory writ of mandamus in the first instance commanding the county district attorney to the real party of interest to produce all copies manufactured by the district attorney office, the Sanbernardino sheriff department or any other officer of the court of the interrogation recordings originally created on March 8, 2009.
- 4) This Court to command the district attorney office to produce the real time recording devices, memory cards, cassette tapes of the original recordings that occurred on March 8, 2009 between 0900 hours and 1500 hours that same day, coordinated by SBSB Alexander for real time authentication

September 24, 20-24

  
John Henry Yablonsky

PROOF OF SERVICE

I George Yablonsky an adult over the age of consent and not a party to this action now declare under the penalty of perjury that I mailed a true and accurate copy of this motion for petition for writ of prohibition/ mandamus upon the following parties in postage full; prepaid envelopes as addressed herein on September \_\_\_\_\_ 2024 to the following addresses

Superior Court of California  
14455 civic dr  
v.v., ca. 92392

District attorney Jason Anderson  
303 w third st  
s.b, ca. 92415

4<sup>th</sup> appellate Court  
3389 twelfth st  
r.s., ca. 92501

This mailing occurred from the county of Sanbernardino in the city of Lucerne valley zip code 92356 on that same date

September \_\_\_\_\_ 2024

George Yablonsky  
COURT APPOINTED LEGAL RUNNER

Dated this [day] of [Month], [year].

\_\_\_\_\_  
[Attorney Name]

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6 PAGE ATTACHMENT*

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*Superior Court*

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Supreme Court  
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JOHN HENRY YABLONSKY  
#2309342444  
9500 ETIWANDA  
R.C., CA. 91739  
IN PROPRIA PERSONA

URGENT

CLERK OF THE COURT  
4<sup>TH</sup> APPELLATE DISTRICT COURT  
DIVISION TWO

JOHN HENRY YABLONSKY  
PETITIONER,

VS. N

SUPERIOR COURT OF CALIFORNIA;  
COUNTY OF SANBERNARDINO;  
RESPONDENT;  
COUNTY DISTRICT ATTORNEY JASON  
ANDERSON

REAL PARTY OF INTEREST;

Case No.: FVI900518 (TRIAL COURT)(1172.6)

NOTICE OF PETITION OF EXTRAORDINARY  
HYBRID PETITION FOR WRIT OF PROHIBITION/  
MANDATE WITH POINTS AND AUTHORITIES  
AND SUPPORTING ATTACHMENTS  
THIS CASE IS CURRENTLY BEING HEARD  
PURSUANT TO PC 1172.6  
DATE;  
TIME;  
DEPT;

CURRENTLY ON  
CALENDAR

THE HONORABLE JUSTICE OF THE COURT

**THIS IS AN EXTRAORDINARY PEREMPTORY  
PETITION FOR WRIT OF PROHIBITION AND  
PETITION FOR WRIT OF MANDAMUS**

This hybrid writ asking for extraordinary relief is necessary in its dual capacity function  
in the preservations of rights or John Henry Yablonsky (PETITIONER), the beneficially  
interested party as outlined herein. (TOBE V CITY OF SANTA ANA 9 C4th 1069(1995)

MCCARTHY 162 CA2d 775 - Gomez 50 C2d 640

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- 1) Petitioner John Henry Yablonsky in an action now pending in the respondent court pursuant to PC 1172.6 cases No.#FVI900518, against the People of the state of California/ County District attorney Jason Anderson, DDA John Thomas actions the true and real parties of interest
- 2) Respondent The Superior Court of California, county of Sanbernardino, district of Victorville California have been exercising a judicial function described above and below.
- 3) All the proceedings about which petitioner is concerned have occurred within the territorial jurisdiction of this Court, therefore the Court now has jurisdiction as described below. (COOPER V SUPERIOR COURT 118 CA3d 499(1981))
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- 5) Petitioner seeks extraordinary relief from this Court because in this instance, in addition to matters set out herein are necessary that this writ be issued by this Court;
  - a) That on December 14, 2022 petitioner filed a verified petition pursuant to PC 1172.6 thereby legally invalidating petitioner's sentence.
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12 TO THE VICTIM HOUSE. (SEE YABLONSKY V MONTGOMERY)**
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7 (AMCO PRODUCTIONS 6219 f2d 1383); (IN RE BROWN 17 CA; .4<sup>th</sup> 873(1998)  
8 “DESTROYING FAVORABLE EVIDENCE” (MITCHELL 81 Cal.app.5<sup>th</sup> 575(2022)  
9 “statement used to lighten prosecutors burden is impermissible”  
10  
11

12 In the face of the overwhelming and compelling facts of this case that there is no  
13 physical or scientific evidence tying petitioner to the actual felony- murder proving that  
14 petitioner is not, was not involved with this case which occurred on 9-20-85, thereby eliminating  
15 him as a suspect altogether. The statement evidence after it had been manipulated suggest guilt,  
16 while the unaltered version does not. They placed evidence into my procession when they  
17 changed my answers about having a key to the victim s house. All the courts have made this  
18 distinct conclusion. That conclusion is attached to the altered portions of the statement evidence  
19 (ROBINSON V SUPERIOR COURT 49 Cal.2d 186(157) There must be some rational ground  
20 for assuming possibility the crime was committed by petitioner other than the falsified statement  
21 evidence. (HART SELL 34 Cal.app.3d 8(1973); (BANKS @ 803) ;( Clark @ 618) “THE  
22 TAMPERED AND ANTEDATED STATEMENT EVIDENCE CANNOT BE THE LINK  
23 BECAUSE THIS EVIDENCE IS REMARKABLY UNRELIABLE”.

24  
25  
26 **THIS IS A NAPUE ERROR; NAPUE V ILLINOIS 360 US 264(1959)**  
27 **KNOWING USE OF FALSE EVIDENCE**

1 12) Petitioner will be irreparably injured because the district attorney is independently  
2 relying on this misleading evidence to meet his requisite burdens in these PC  
3 1172.6 proceedings <sup>FF</sup> ~~is~~ the respondent Court is not restrained and the real party of  
4 interest is not forced to produce states entire collections of "statement copies"  
5 created on both November 23, 2010 & January 26, 2011

6 ARGUMENT

7  
8 1) PETITIONER WILL BE UNFAIRLY PREJUDICE WITHOUT HELP

9  
10 As discussed above petitioner is faced with sufficiency issues that stem from the  
11 trial record, which in this case now includes the fact that there was evidence created by state  
12 actors who altered real time evidence in clear violation to evidence codes, completely redacting  
13 custodial activates to hide MIRANDA issue, changed petitioners answers from one to another  
14 placing evidence in to petitioners possession to meet an element of the charge. To have a key to  
15 someone's house that you're not supposes to imply an intent to commit a crime, which in this  
16 case, and intent to commit felony- murder. That evidence though, in any of the altered versions  
17 eliminates the true context of the statement. The altered version does show an intent to commit a  
18 crime. In the face of the compelling physical and scientific evidence, this altered statement does  
19 cause a miscarriage of justice where an entire panel of jurors were mislead, forcing them to  
20 come to unreliable conclusions. Now after the filing of a verified petition, the district attorney  
21 office relies on that misleading evidence one more time, to cause irreparable injury. As discussed  
22 CA EV Code <sup>1402</sup> ~~1420~~ states that the evidence may be altered, redacted, but, that the redactions may  
23 not change the meaning. When they change my answers they changed the meaning! \

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CONCLUSION

Petitioner moves this Court because there is no other relief. State actors have lied about the content of this evidence relying on the "TRIAL RECORD" which does not show more than one copy. The post trail challenges developing these facts were extensive. The exhibits attached hereto does show that there was in fact more than one copy created for this case, but, not on January 26, 2011, proving that the copies made on January 26, 2011 are in fact different than the copies made on November 23, 2010. This act is misleading. The damages are cumulative and unless this Court helps, could become catastrophic in the form of a constitutional travesty.

**THERE IS NO OTHER RELIEF AVAILABLE**

PRAYER

- 1) The Court must immediately stay all 11722.6 proceedings until further ordered
- 2) This Court must issue a peremptory writ of prohibition in the first instance, restraining the respondent Court, its officers and all persons acting by and through its orders from taking further steps in these PC 1172.6 proceedings for case #FVI900518
- 3) This Court must issue a peremptory writ of mandamus in the first instance commanding the county district attorney to the real party of interest to produce all copies manufactured by the district attorney office, the Sanbernardino sheriff department or any other officer of the court of the interrogation recordings originally created on March 8, 2009.
- 4) This Court to command the district attorney office to produce the real time recording devices, memory cards, cassette tapes of the original recordings that occurred on March 8, 2009 between 0900 hours and 1500 hours that same day, coordinated by SBSA Alexander for real time authentication

September 24, 20-24

  
John Henry Yablonsky

PROOF OF SERVICE

I George Yablonsky an adult over the age of consent and not a party to this action now declare under the penalty of perjury that I mailed a true and accurate copy of this motion for petition for writ of prohibition/ mandamus upon the following parties in postage full; prepaid envelopes as addressed herein on September \_\_\_\_\_ 2024 to the following addresses

Superior Court of California	District attorney Jason Anderson	4 <sup>th</sup> appellate Court
14455 civic dr	303 w third st	6 <sup>th</sup> fl
v.v., ca. 92392	s.b, ca. 92415	3389 twelfth st
		r.s., ca. 92501

This mailing occurred from the county of Sanbernardino in the city of Lucerne valley zip code 92356 on that same date

September \_\_\_\_\_ 2024

George Yablonsky  
COURT APPOINTED LEGAL RUNNER

Dated this [day] of [Month], [year].

\_\_\_\_\_  
[Attorney Name]

ADD 6 PAGE ATTACHMENT COPIES

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JOHN HENRY YABLONSKY  
# 2309342444  
9500 ETIWAANDA  
R.C. CA. 91739

RE: PETITION FOR EXTRAORDINARY PEREMPTORY  
PROHIBITION / MANDAMUS

CASE: FV1900518 (P.C. 1172.6 PROCEEDINGS) (ON CALENDAR)  
NEXT HEARING OCTOBER 18, 2024 DEPT. V-3  
SUPERIOR COURT CALIFORNIA VICTORVILLE DIVISION

DEAR CLERK OF COURTS

I AM A PRO SE LITIGANT FOR ALL  
P.C. 1172.6 PROCEEDINGS. PLEASE FILE THIS  
EXTRAORDINARY WRIT AND SEND ME CONFIRMATION  
IT WAS FILED, DATE AND CASE NUMBER.  
ALL PARTIES HAVE BEEN SERVED, VERIFY  
PROCC OF SERVICE

THANK YOU. THIS CASE IS ON  
CALENDAR, THIS CASE IS URGENT, FALSE  
EVIDENCE HAS BEEN PLACED ON THE  
1172.6 RECORD BY THE DISTRICT ATTORNEY  
OFFICE

RESPECTFULLY  
J-H Yablonsky  
JOHN HENRY YABLONSKY

1 JOHN HENRY YABLONSKY  
#2309342444  
2 9500 ETIWANDA  
R.C., CA. 91739  
3 IN PROPRIA PERSONA

4  
5 URGENT

6 CLERK OF THE COURT

7 4<sup>TH</sup> APPELLATE DISTRICT COURT

8 DIVISION TWO

9 JOHN HENRY YABLONSKY

Case No.: FVI900518 (TRIAL COURT)(1172.6)

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12 VS. N

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SEE ATTACHED  
4TH APPELLATE COURT  
3389 TWELFTH ST. RSCA.  
PAGE #16

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6 80 Cal 257(1889) CA EV 1521 “There is a conflict about the content of the secondary evidence”  
7 (AMCO PRODUCTIONS 6219 f2d 1383); (IN RE BROWN 17 CA; .4<sup>th</sup> 873(1998)  
8 “DESTROYING FAVORABLE EVIDENCE” (MITCHELL 81 Cal.app.5<sup>th</sup> 575(2022)  
9 “statement used to lighten prosecutors burden is impermissible”  
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12 In the face of the overwhelming and compelling facts of this case that there is no  
13 physical or scientific evidence tying petitioner to the actual felony- murder proving that  
14 petitioner is not, was not involved with this case which occurred on 9-20-85, thereby eliminating  
15 him as a suspect altogether. The statement evidence after it had been manipulated suggest guilt,  
16 while the unaltered version does not. They placed evidence into my procession when they  
17 changed my answers about having a key to the victim s house. All the courts have made this  
18 distinct conclusion. That conclusion is attached to the altered portions of the statement evidence  
19 (ROBINSON V SUPERIOR COURT 49 Cal.2d 186(157) There must be some rational ground  
20 for assuming possibility the crime was committed by petitioner other than the falsified statement  
21 evidence. (HART SELL 34 Cal.app.3d 8(1973); (BANKS @ 803) ;( Clark @ 618) “THE  
22 TAMPERED AND ANTEDATED STATEMENT EVIDENCE CANNOT BE THE LINK  
23 BECAUSE THIS EVIDENCE IS REMARKABLY UNRELIABLE”.

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26 **THIS IS A NAPUE ERROR; NAPUE V ILLINOIS 360 US 264(1959)**  
27 **KNOWING USE OF FALSE EVIDENCE**

1 12) Petitioner will be irreparably injured because the district attorney is independently  
2 relying on this misleading evidence to meet his requisite burdens in these PC  
3 1172.6 proceedings <sup>IF</sup> is the respondent Court is not restrained and the real party of  
4 interest is not forced to produce states entire collections of "statement copies"  
5 created on both November 23, 2010 & January 26, 2011

6 ARGUMENT

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8 1) PETITIONER WILL BE UNFAIRLY PREJUDICE WITHOUT HELP

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10 As discussed above petitioner is faced with sufficiency issues that stem from the  
11 trial record, which in this case now includes the fact that there was evidence created by state  
12 actors who altered real time evidence in clear violation to evidence codes, completely redacting  
13 custodial activates to hide MIRANDA issue, changed petitioners answers from one to another  
14 placing evidence in to petitioners possession to meet an element of the charge. To have a key to  
15 someone's house that you're not supposes to imply an intent to commit a crime, which in this  
16 case, and intent to commit felony- murder. That evidence though, in any of the altered versions  
17 eliminates the true context of the statement. The altered version does show an intent to commit a  
18 crime. In the face of the compelling physical and scientific evidence, this altered statement does  
19 cause a miscarriage of justice where an entire panel of jurors were mislead, forcing them to  
20 come to unreliable conclusions. Now after the filing of a verified petition, the district attorney  
21 office relies on that misleading evidence one more time, to cause irreparable injury. As discussed  
22 CA EV Code <sup>1402</sup> 1420 states that the evidence may be altered, redacted, but, that the redactions may  
23 not change the meaning. When they change my answers they changed the meaning! \

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CONCLUSION

Petitioner moves this Court because there is no other relief. State actors have lied about the content of this evidence relying on the "TRIAL RECORD" which does not show more than one copy. The post trial challenges developing these facts were extensive. The exhibits attached hereto does show that there was in fact more than one copy created for this case, but, not on January 26, 2011, proving that the copies made on January 26, 2011 are in fact different than the copies made on November 23, 2010. This act is misleading. The damages are cumulative and unless this Court helps, could become catastrophic in the form of a constitutional travesty.

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**THERE IS NO OTHER RELIEF AVAILABLE**

PRAYER

- 1) The Court must immediately stay all 11722.6 proceedings until further ordered
- 2) This Court must issue a peremptory writ of prohibition in the first instance, restraining the respondent Court, its officers and all persons acting by and through its orders from taking further steps in these PC 1172.6 proceedings for case #FVI900518
- 3) This Court must issue a peremptory writ of mandamus in the first instance commanding the county district attorney to the real party of interest to produce all copies manufactured by the district attorney office, the Sanbernardino sheriff department or any other officer of the court of the interrogation recordings originally created on March 8, 2009.
- 4) This Court to command the district attorney office to produce the real time recording devices, memory cards, cassette tapes of the original recordings that occurred on March 8, 2009 between 0900 hours and 1500 hours that same day, coordinated by SBSD Alexander for real time authentication

September 24, 20-24

  
John Henry Yablonsky