

BLUE SIGNATURE  
MUST SERVE ORIGINAL TO COURT

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

[Attorney Name]

### PROOF OF SERVICE

I GEORGE YABLONSKY AN ADULT  
OVER AGE OF CONSENT DECLARE UNDER  
PENALTY OF PERJURY I PERSONALLY  
SERVED AN AMENDED PC 1172.6 PETITION

TO  
SUPERIOR COURT  
14455 CIVIC CENTER  
VU CA. 92392

DISTRICT ATTORNEY  
14455 CIVIC CENTER  
VU CA. 92392

SERVICE WAS ON DECEMBER \_\_\_\_\_ 2025

DECEMBER \_\_\_\_\_ 2025 GEORGE YABLONSKY

1 **AMENDED 1172.6 PETITION TO RECALL**

2 JOHN HENRY YABLONSKY  
3 #2309342444  
4 9500 ETIWANDA  
5 R.C., CA. 91739  
6 IN PROPRIA PERSONA

7  
8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANBERNARDINO

10 JOHN HENRY YABLONSKY,  
11 PETITIONER

Case No.: FV1900518 (PC1172.6 POCEEDI8NG)

12 NOTICE TO AMEND 1172.6 PETITION TO  
13 AMEND PETITION PURSUANT TO PENAL  
14 CODE 1172.6 RECALLING THE CONVICTION,  
15 VACATING THE JUDGMENT AND  
16 SUBSEQUENT RESENTENCING BECAUSE  
17 CHANGE IN LAW UNDER SENATE BILL 1437

18 vs.

DATE: JANUARY 3, 2025  
DEPT: V-3  
TIME: 0830

19 THE PEOPLE OF CALIFORNIA,  
20 RESPONDENT

THE HONORABLE JUDGE ENRIQUE GUERRERO

21 **TO: DISTRICT ATTORNEY JASON ANDERSON**  
22 **FOR THE COUNTY OF SANBERNARDINO**

23 **THIS COURT RETAINS JURISDICTION**

24 John Henry Yablonsky (PETITIONER) was convicted by this court on February 3,  
25 2011 and sentenced to life without the possibility of parole on March 12, 2012 because petitioner  
26 was convicted of first degree murder, therefore this court has jurisdiction.  
27

28 **NOTICE TO AMEND 1172.6 PETITION - 1**

Court Copy Copy

Court Copy Copy

1 As a direct result of change in law where PC 188-189 were re-written in 2019 because of  
2 SB 1437 petitioners conviction was legally invalidated. PC1172.6 was created for this very  
3 reason and is now valid and applicable here because;

4  
5 1.. A complaint was filed against petitioner on March 10, 2009 under a theory of  
6 felony-murder attaching natural and probable consequence doctrine pursuant to PC 187, 190.2.

7  
8 2.. As a direct result of the foiled charges a jury found petitioner guilty, not  
9 necessarily as the actual killer, but, because of the district attorney's **"THEORY OF FELONY-**  
10 **MURDER WHICH ATTACHED INSTRUCTIONS ON WHETHER THIS CONVICTION WAS**  
11 **NECESSARILY THE RESULT OF NATRUAL AND PROBABLE CONSEQUENCES"**.

12 The Court then sentenced petitioner to life without the possibility of parole because of the  
13 verdict.

14  
15 3.. That if petitioner were tried today under the languages of the new law, new  
16 standards of proof that the district attorney could not convict petitioner of first degree murder  
17 under the "THEORY OF FELONY- MURDER ATTACHED TO NATURAL AND  
18 PROBABLE CONSEQUENCE INSTRUCTIONS", or, any other valid theory!

19  
20 4.. That petitioner will be representing himself for all intents purposes in these  
21 proceedings pursuant to the language of the united states constitution sixth amendment,

22 ~~CALIFORNIA V FARETTA (citation omitted)~~ *FARETTA 422 US 806 (1975)*

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27 November 25, 2024



28 JOHN HENRY YABLONSKY

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## FACTUAL BACKGROUND

That on September 20, 1985 someone other than petitioner killed Rita Mabel Cobb. On March 10, 2009 the county district attorney Michael Ramos filed felony murder charges against petitioner pursuant to PC 187, amended those charges on August 12, 2009 pursuant to PC 190.2 pursuant to "THE THEORY OF FELONY- MURDER ATTACHING THE NATURAL AND PROBABLE CONSEQUENCE DOCTRINE". There was a verdict as a result of jury instructions that found petitioner guilty, not necessarily as the actual killer on February 3, 2011, also finding special allegations true, so, this court sentenced petitioner to life without the possibility of parole on March 12, 2012. On March 2, 2023 petitioner filed with this court and served the county district attorney a verified petition because of the language of old law which instigated potential resentencing procedures because of the language in senate bills 775 & 1437.

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## STATUTORY BACKGROUND

It is the position of petitioner that legislation changed law because of the push by the people of the state of California and for no other reason, altering the threshold of burdens of proof for murder, felony murder, changing PC 188-189. On January 1, 2019 these changes came into effect. The people of California were not convinced this was enough and pushed harder, forcing legislation to change the threshold of proof, which thereby enacted senate bill 775, which in no short terms commands the district attorney's to produce "SOME CREDIBLE EVIDENCE" to prove the elements of the felony and homicide on all complaint allegations from there forward. (SCOTT 58 Cal.4<sup>th</sup> 1415(2014) "statutory principles on legislative intent with then existing laws" (LOPEZ 88 Cal.app.5<sup>th</sup> @ 579) "now requiring requisite intent as actual

1 killer be proven” (MATTSON 37 Cal.3d 85) “every felony based special circumstances must be  
2 proven **INDEPENDENT** of any use of uncorroborated extrajudicial statements” (IN RE  
3 SCOGGIN 9 Cal.5<sup>th</sup> @ 676-67) (CODY 92 Cal.app.5<sup>th</sup> @ 107) “the court is to act as an  
4 independent fact finder” (CURIEL 15 Cal.5<sup>th</sup> @ 463) “the court [MUST] accept petitioners  
5 allegations in a verified petition as true without fact finding” ( HARDEN 81 Cal.app.5<sup>th</sup>  
6 45(2022) “THE LAW OF THE CASE CANNOT CONCLUSIVELY ESTABLISH  
7 DISENTITLEMENT”  
8  
9

10  
11 POINTS AND AUTHORITY

12 **I...NEWLY ENACTED LAWS ARE CONSTITUTIONAL**

13 With respect to our co-equal branches of government we must accept that any laws passed  
14 then become constitutional. (LOCKYER 33 Cal.4<sup>th</sup> 1055, 1119(2004) As such we [must] respect  
15 the legislative body intent to alter thresholds of proof regarding {ACTUAL KILLER} by the re-  
16 written language of PC 188-189 in such a way that there is a new requisite burden the district  
17 attorney [MUST] meet in all felony, felony- murder based convictions, which are now applicable  
18 in these PC 1172.6 proceedings now before this court.  
19  
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21 **II... PETITIONER <sup>WILL</sup> ~~MAY~~ REPRESENT HIMSELF**

22 It is the position of petitioner pursuant to the 6<sup>th</sup> amendment US constitution petitioners  
23 [MAY] elect to represent themselves during all 1172.6 proceedings. The Court must then appoint  
24 experts to legally assist if the petitioner so moves the Court for private investigators, expert  
25 witnesses pursuant to PC 987.2, California Constitution Article I section 1 (FAXEL 91 CA3d  
26 327(1979) “equal protections under the 14<sup>th</sup> amendment requires assisting the indigent litigant.  
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**V. THE DISTRICT ATTORNEY MAY NOT RELY ON  
UNCORROBERATED EXTRAJUDICIAL STATEMENTS  
TO LIGHTEN THE REQUISITE BURDEN**

It is the position of petitioner that as outlined within this entire case the trial record, appellate record, clerk transcripts the district attorney heavily relied on an uncorroborated extrajudicial statement to make his case, meet his burdens. (BECERRA 92 Cal.app.5<sup>th</sup> @ 103) “whether the uncorroborated statement amounts to the requisite burden” (DAVENPORT 95 Cal.app.2023) “PREVIOUSLY ADMITTED EVIDENCE [MUST] BE RELIABLE” (SAME) (OPPER 354 84 (1954) (RAMONA 37 Cal.3d 802(1985) “statements cannot be used to make the case in chief” (FASHION 21 117 Cal.app.4<sup>th</sup> 1138) (IN RE BROWN 17 Cal.4<sup>th</sup> 873) “destroying evidence favorable to the accused is unacceptable” (ZAVALA 105 Cal.app.5<sup>th</sup> 366(2024) “due process attaches when district attorney attempts to meet their requisite burdens set out by SB 775 (Id @ 372) The Court must examine un-contradicted facts surrounding the making of the statement evidence (Id @ 376) (WILLIAMS 49 Cal.4<sup>th</sup> 405 (2010) “it is settled that a conviction may not be founded upon involuntary incriminating statements alone (Id @ 436) Whether capacity to incriminate was impaired by coercion( Id @ 436) (QUOTING)) (BUSTAMONTE 412 US 218) “tactics were coercive under the totality of surrounding circumstances “ (SAME) (MITCHELL 81 Cal.app.5<sup>th</sup> @ 592)

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**VI. DECLARATION OF TRUTH BY JOHN HENRY YABLONSKY**

That I John Henry Yablonsky an adult over the age of consent and party to this action make this declaration under the penalty of perjury that if called to testify will state the same in a court of law under oath. That I met and knew Rita Mabel Cobb in 1985 as a tenant who then began an affair several months after I moved into her rental with my wife Holly and our son

1 John Jr.. I last had sex with Rita on or about September 18, 1985 and to  
2 make this claim true and accurate now rely on states experts SBSB  
3 Criminalist Donald Jones testimony (RT 317) "that Yablonsky's DNA  
4 was at least several days older than Rita's murder. States expert SBSB  
5 Pathologist William Saukel testimony (RT491)" That Yablonsky's  
6 DNA was as much as one and a half days older than Rita's murder".  
7 The last time I had sex with Rita the sex was consensual and with another  
8 woman whom I did not know her name. When I left Rita's house that  
9 day both Rita and the other woman were very much alive and unharmed.  
10 At the time of Rita's murder I was in Downey California with relatives  
11 and stayed in Downey California under September 23, 1985 I can arrange  
12 to have sworn testimony by witnesses who are still alive on this alibi evidence.  
13 Further declare that on March 8, 2009 when detectives arrived at my house  
14 that they arrived with three policing agencies. I tried to terminate that interr-  
15 ogation but was refused. I invoked MIRANDA at least three times and  
16 real time recordings will prove this. I DID NOT KILL RITA MABEL COBB!

17 November 25, 2024

  
John Henry Yablonsky

18 VERIFICATION

19 I John Henry Yablonsky an adult over the age of consent make the  
20 declaration here that the above stated facts and authority mentioned within  
21 the petition I wrote is the truth and accurate according to belief and  
22 knowledge and if called to testify will state the same under oath

23 November 25, 2024

  
John Henry Yablonsky

24 **THERE ARE SEVERAL EXHIBITS ALREADY FILED**  
25 **WITH THIS COURT WITH THE ORIGINAL PETITION**  
26 **THIS IS NOW THE NEW STANDING VERIFIED PETITION!!**