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JOHN HENRY YABLONSKY
AL0373-2309342444
9500 ETIWANDA
R.C., CA. 91739
IN **PROPRIA** PERSONA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANBERNARDINO

JOHN HENR YABLONSKY,
PETITIONER

Case No.: FV1900518-PC1172.6 RESENTENCING

vs.

THE PEOPLE OF CALIFORNIA,
RESPONDENT

**NOTICE OF MOTION IN PURSUIT OF PC1172.6/
PC1473(B)(1-3) RELIEF BASED ON THE
COUNTY DISTRICT ATTORNEY'S FAILURE TO
MEET MODERN BURDENS SET OUT BY SB 775
& 1437 BY KNOWINGLY SUBMITTING TO THIS
COURT EVIDENCE THAT IS FALSE
COMMITTING FRAUD UPON THIS COURT AD
THE STATE OF CALIFORNIA- POINTS AND
AUTHORITIES- EXHIBITS ATTACHED
DATE; JANUARY 9, 2026
TIME:0830
DEPT:M-2**

THE HONORABLE JUDGE JAMES TAYLOR

**TO; SANBERNARDINO COUNTY DISTRICT ATTORNEY
JASON ANDERSON- THE SUPERIOR COURT**

If it pleases the court John Henry Yablonsky a humble (PETITIONER) now
moves this powerful court at the above date and time or as soon thereafter is possible addressing
the frauds committed by the county district attorney's office in these proceedings, this trial
record, committing fraud upon the state of California, this Court, and petitioners substantial
rights governed by the United State Constitution. **There is substantial scientific proof that
Jason Anderson, his predecessor Michael Ramos have committed strategic frauds upon this
Court in deliberate violations described by BRADY & NAPUE Supreme Court decisions!**

1 **I. FOUNDATION OF THESE PROCEEDINGS (2)**

2 Petitioner filed with this court a valid PC1172.6 (a) verified petition in December 2022,
3 that petition was amended on February 23, 2025, the amended petition now controls these
4 proceedings. **BOTH VERIFIED PETITIONS DECLARE THE PEOPLE CANNOT**
5 **LEGALLY CONVICT PETITIONER OF MURDER IF HE WERE TRIED TODAY**
6 **UNDER MODERN LAW IN THIS CASE!** The court ordered briefing which motivated the
7 district attorney into submitting to these proceedings trial and clerk transcripts which were
8 motivated by fraudulent evidence, now submitting evidence into these proceedings that the jury
9 nor this court has ever seen, which has now been proven to be fraudulently manufactured
10 transcripts of a March 8, 2009 interrogation. **The district attorney's office has been made**
11 **aware of these false documents described them as the peoples exhibit 49A, and have yet to**
12 **correct the false nature of this particular transcript.** Because of this false evidence petitioner
13 moved the court to appoint experts GS MEDIA LAB & NAUM WARE who have evaluated this
14 evidence as well as other evidence given to trial, post- trial lawyers and have determined these
15 evidences to have been created by SBSB Alexander, SBDA John Thomas, County District
16 Attorney Michael Ramos on March 9, 2009 of the March 8, 2009 interrogation, and have been
17 fraudulently altered in violation to standards set out by California's evidence codes, penal laws.
18 Audio technician GS MEDIA LAB (GSML) using sensitive scientific software IZOTOPE RX6,
19 Audio clarification, File verification discovered that this evidence had been tampered with in
20 such a way that it is **impossible to authenticate** under modern law, modern software used by the
21 Sanbernardino Sheriff Department indicating this evidence was deliberate, calculated and
22 methodical, cleverly disguised to escape detection. Ca Ev 452(h) **The court must take judicial**
23 **notice of documents that are not reasonably irrefutable! (THE GSML REPORTS)**

1 **II. THERE IS A FACTUAL PRECEDENCE**

2 The matter before this court is not one where there was a landslide of evidence found
3 at the Rita Mabel Cobb murder scene which incriminated the petitioner. In fact true perspective
4 is quite contrary in this instance, where there is zero incriminating evidence found at the crime
5 scene to incriminate petitioner, and in this case the only incriminating evidence used against
6 petitioner was evidence that the district attorney's office created on March 9, 2009,
7 November 23, 2010 & January 26, 2011. Not only did the district attorney strategically
8 manufactured evidence they knew was false, expected would incriminate the petitioner, attaching
9 this evidence to calculated jury instructions which told the jury that they could use this false
10 evidence as the sole evidence necessary to prove petitioner committed the crime and to what
11 degree. Then withheld exculpatory evidence found on the actual murder evidence because they
12 knew it pointed at a separate perpetrator of this crime as the actual killer. The litigious minefield
13 of statutory and constitutional violations began as early as March 4, 2009, (EXHIBIT A), and
14 saturated this record since, (EXHIBIT B) in an effort to hide truths (EXHIBIT E) that someone
15 other than petitioner committed this crime, methodically creating evidence in such covert ways
16 which carried severe impacts, destroying potential material exculpatory evidence, potential
17 material impeaching evidence, while digitally planting ~~incriminating~~ evidence to incriminate
18 John Henry Yablonsky for this crime when they knew that Gregory Randolph committed this
19 heinous crime. (EXHIBIT E & I) The degrees of due process violations in this case are so
20 disturbing where senior officers of this court abandoned constitutional compasses in pursuit of
21 political and professional careers, having nothing to do with justice! The statutory language
22 under SB 775 & 1437 which compliment petitioners journey here places petitioners legal
23 position under PC 189(e), 1172.6(a), 1172.6(f) & 1473(b)(1-3) (emphasis added)
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1 (4) These fraud have escaped detection for multiple years of constitutional injury in
2 both state and federal arenas of law, hidden behind technology, statutory barriers, which because
3 of modern technology available today, change in law, barriers, technology shortcomings being
4 erased by IZOTOPE RX6, software designed to detect subtle and nearly impossible to discover
5 evidence tampering. In this GSML report technicians can now prove that the peoples exhibit 49
6 (audio compact disc of March 8, 2009 interrogation) has been cut, spliced more than one
7 hundred times, answers switched around, context reformatted that were invisible until this
8 technology was used. The story that a picture tells a thousand tales, well, the reports on this
9 evidence now gives us more than one hundred pictorial of those splicing's of the evidence
10 proving there is zero doubt this tampering was deliberate! The NAUM WARE report proves that
11 the people's evidence changed petitioner's answers to incriminate him. These reports prove the
12 proceedings in this case on January 26, 2011 through February 3, 2011, March 2012 through
13 June 2014, October 19, 2012, January 26, 2024 and March 14, 2025 were directly impacted
14 because of tis false evidence. The technologies available to petitioner today were not available in
15 2012, therefore this is the first time this scientific evidence has been presented to these court
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17
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19 **PROVING PETITIONER COULD NOT BE CONVICTED UNDER MODERN LAW!**

20 **III. DELIBERATE ACTS OF FRAUD BY THE PEOPLE**

21 1) On March 9, 2009 @0730 the peoples advocate tampered with real time evidence,
22 destroying original recorded material, destroying potential exculpatory, impeaching evidence
23 with their altering of real time evidence for the purpose of causing irreparable injury, NOW
24 DESCRIBED AS EXTRINSIC FRAUD

25 2) On June 2009 the peoples advocate gave a copy of this falsified evidence, presented as
26 authenticate and unaltered evidence to trial counsel for the purpose of deception, making it
27 impossible to present actual innocence defenses, DESCRIBED AS INTRINSIC & EXTRINSIC
28 FRAUD.

1 3) On November 23, 2010 the peoples advocate created textual transcripts in a
2 machination to commit bait and switch with evidence they knew was false and would mis-
3 represent to the jury evidence that was material to the issue of guilt, creating two separate
4 fraudulent pieces of evidence which were hidden from the trial record until these proceedings.
5 Creating 1- 113 page text transcript, 1- 136 page text transcript that were unlike real time
6 recording, unlike each other, and unlike the March 9, 2009 audio transcript. IDENTIFIED AS
7 EXTRINSIC FRAUDS.

8 4) The peoples advocate then submitted to trial counsel the 136 page text transcript,
9 purporting to be an accurate verbatim authentications of the March 8, 2009 interrogation.
10 IDENTIFIED AS INTRINSIC AND EXTRINSIC FRAUD

11 5) On January 26, 2011 the peoples advocate bamboozled trial counsel into stipulating to
12 redacting content of the already altered material, purporting to redact more invocation,
13 exculpatory, impeaching material which is unenforceable based on fraudulent misrepresentation.
14 Designating this as the peoples EXHIBITS 49 & 49A. **It is these transcripts created by Deputy**
15 **District Attorney John Thomas, in his home, while the trial was in progress, where he**
16 **strategically manufactured audio and ~~audio~~/textual evidence he knew to be false and would**
17 **use this evidence to motivate the jury in a case where he misrepresented this evidence as**
18 **true accurate transcripts of the March 8, 2009 interrogation.** IDENTIFIED AS
19 ELECTRONIC INTRINSIC AND EXTRINSIC FRAUD

20 6) On January 27, 2011 the peoples advocate with the assistance of SBSB Detective
21 Robert Alexander presented audio, audio/ text transcripts created on January 26, 2011, allegedly
22 re-creations from an audio transcript created on March 9, 2009, November 23, 2010 and
23 intentionally misrepresented this evidence to the jury as original media that was accurately
24 transcribed from the March 8, 2009 interrogation. (RT508;16- 509; 4)

25 508;18- Petitioners interrogation was recorded on March 8, 2009

26 508;21- The recordings was captured in digital audio and video

27 508;25- These recordings were accurately transcribed

28 508;26- These are the people's exhibits 49 & 49A

509;4- These exhibits were professionally transcribed by an expert

509;6- This evidence was only 2 hours and 55 minutes length in time long

 THIS CONSTITUTES INTRINSIC AND EXTRINSIC FRAUDS UPON THE
 COURT, THE STATE OF CALIFORNIA AND PETTIONERS RIGHT TO A FAIR HEARING

1 7) Between January 18, 2011 & January 27, 2011 the peoples advocate deprived access to
2 potential exculpatory, material DNA evidence that could have exonerated petitioner in light of
3 ~~the remainder~~ of the trial evidence which convincingly points at a separate perpetrator of this
4 crime.

4 (DSM4;5-8) **The actual murder evidence found at this crime scene.**

- 5 • **The actual murder weapon** B3 * **Red hair with the roots attached** A1, AS
- 6 • **The actual fingerprint report** * **Victims blood spears on her door and hallway** A23-24
- 7 • **The gag in the victims mouth** A7 * **DNA from cigarette butts** A 20, A21
- 8 • **Tape lifting's off the nude body** * **The victims bedding**
- 9 • **The 6-pak of beer missing off the dining room table** * **WATCHBAND PIN A-15**

8 It is the strategic deprivation of the DNA result of these actual murder evidences which
9 gave credence to the false manufactured interrogation evidence. IDENTIFIED AS INTRINSIC,
10 AND EXTRINSIC FRAUD

11 8) On February 3, 2011 The peoples advocate removed from the clerks transcripts states
12 exhibits 49 & 49A created on January 26, 2011, shredding them, and then placed into the record
13 transcripts that the jury never seen, hiding the proof of fraudulent activities. Placing transcripts
14 created on March 9, 2009 & November 23, 2010. **Experts have now proven that this evidence
was not used during this trial and was illegally altered from its original content.**
IDENTIFIED AS CRIMINAL FRAUD, INTRINSIC AND EXTRINSIC FRAUD

15 9) On or about March 2011 and March 2012 the peoples advocate gave post trial Hal Smith
16 and Richard Levy transcripts never seen by this court, nor the jury, depriving access to full and
17 fair hearings, fair direct appeal and deprivation of post-trial relief, based on the content of the
evidence the peoples advocate knew to be false. IDENTIFIED AS EXTRINSIC FRAUD

18 10) On October 19, 2012 the peoples advocate from the Habeas litigation division of the
19 Sanbernardino district attorney's office submitted to these court, into this record numerous
20 fraudulent misrepresentation of fact that neither existed in real time from evidence collected
21 from this crime scene, nor accurately described evidence presented to this jury, depriving access
22 to post trial relief, primarily relying on petitioners extrajudicial statement to detectives. This brief
filed by Deputy District Attorney Eric Fergus generously sprinkled factual claims he knew ~~FALSE~~ AND
would make a significant impact upon post trial claims that fraud had been committed upon
petitioners trial and California. IDENTIFIED AS EXTRINSIC FRAUD

23 11) On January 26, 2024 the peoples advocate presented to this court, into these proceedings
24 evidence that he knew would place barriers between the verified petition and relief warranted by
25 change in law, submitting to these proceedings a 113 page textual transcript that the jury, nor this
26 court has ever seen to meet the people's new SB1437 burdens. **It is this evidence compared to
the people's exhibit 49 audio recording of the March 8, 2009 interrogation which has now
been proven to be illegally manipulated.** IDENTIFIED AS INTRINSIC AND EXRINSIC
27 FRAUD UPON THIS COURT, THE STATE OF CALIFORNIA AND PETITIONERS RIGHT
TO BENEFIT CONSTITUTIONAL CHANGE IN LAW

1
2 12) On March 14, 2025 as a direct result of motion to compel filed by the petitioner pursuant
3 to PC1054.9 the peoples advocate now claims that the January 26, 2011 transcripts created for
4 trial purposes has been destroyed and is no longer available, Now the peoples advocate argues
5 that the frauds have been etched into stone and are unchallengeable, and therefore petitioner
6 should be deprived access to relief, arguing these fraudulent activities has survived a full round
7 of our entire court system. **THESE STRATEGIC & FRAUDULENT ACTS
MISREPRESENTED THIS EVIDENCE NOW LEGALLY INVALIDATES EVERY
CASE WHICH RELIED ON THIS EVIDENCE WHEN ARGUED BY PETITIONER OR
PRESENTED THE STATE;**

8 STATE COURT DECISIONS

9 FVI900518 E055840
10 CIVDS1506664 2019 CALAPP LEXIS 5154
11 WHCSS1200311 2018 CALAPP LEXIS 1766
12 S218253 E060202
13 2013 CALAPP LEXIS 8800 2014 CAL LEXIS 5209
14 2017 CAL LEXIS 9625 2014 CAL LEXIS 1773
15 2019 CAL LEXIS 8159 2022 CAL LEXIS 5698

14 FEDERAL COURTS

15 EDCV-14-01877 2016 US DIST LEXIS 26339
16 16- 8771 U.S. SUPREME COURT 582 US 934
17 U.S. SUPREME COURT 1234 U.S SUPREME COURT 582 US 962

18 The degree of egregious criminal deception by the district attorney's office has caused
19 sufficient constitutional damage which now warrants legal applications of current law, using
20 modern technologies that could irrefutably prove that every court decision in this case be

21 overturned, based on modern science that is available today which was not available before,

22 as- a- matter of- law. **THIS COUT MUST TAKE JUDICIAL NOTICE OF FILINGS**

23 **MADE BY THE PEOPLES ADVOCATE DURING TRIAL AND NOW BEFORE THIS**

24 **COURT DESCRIBED BY THE GSML REPORTS, WHICH PROVES THAT THE**

25 **PEOPLES ENTIRE CASE WAS MOTIVATED BY EVIDENCE THAT HAD BEEN**

26 **ILLEGALLY TAMPERED WITH MORE THAN ONE HUNDRED TIMES!**

1 **IV. THE DISTRICT ATTORNEY OFFICE IS JUDICIALLY**
2 **ESTOPPED FROM CHANGING DEFENSES TO ALTER**
3 **THEIR LEGAL ADVANTAGE**

4 All facts described above and elsewhere are now incorporated herein. On May 2015
5 petitioner filed with the Superior Court of California #CIVDS1506664 which argued the peoples
6 advocate committed frauds upon the court during trial #FVI900518 The defendants in the civil
7 case chose defenses targeting immunity clauses as well as legal standards set out the HECK
8 rule. The people's arguments was successful against malpractice, negligence claims and was
9 dismissed. Petitioner appealed this action to the 4th district court of appeals for California
10 CalApp LEXIS 5145- E068775, 2017 Cal LEXIS 1766- E065773. The defendants then;

- 11
- 12 1) Argued strategies against allegations of fabricated evidence and were successful
 - 13 2) Grounds of negligence were dismissed based on defendant's strategies

14 The defendants in those matters argued HECK 512 US 477, PAGES 486-487; YOUNT 43
15 Cal.4th @893 "judgment in favor of the plaintiff would necessarily invalidate the verdict".
16 (2018 WL1358161 @ *6) The peoples advocate won based on their legal principle and choice
17 of legal strategy. They are now constitutionally and judicially estopped from taking a separate
18 advantage on the same legal issue, as a matter- of- law. CASTILLO 49 Cal.4th 145 (2010)
19 "judicial estoppel precludes a party from gaining advantage by taking one position and then
20 seeking an advantage by taking incompatible positions". The doctrines goals are to maintain the
21 integrity of our judicial system by judicially estopping parties from opponent's unfair advantage;
22

- 23
- 24 1) When same party has taken two positions
 - 25 2) Positions were taken in a judicial or quasi-judicial proceeding
 - 26 3) The party was successful in asserting the first position
 - 27 4) The two positions are totally opposite.
 - 28 5) The first position was not of ignorance or fraud or mistake

The peoples advocate is now judicially estooped from arguing ineligibility!

1 **V. THE EVIDENCE USED BY THE PEOPLE**
2 **CREATED AN OPEN DOOR POLICY**

3 All facts described above an elsewhere October 24, 2025 now incorporated herein.

4 The people's response filed with this court along with supporting trial and clerk transcripts filed
5 on January 26, 2024 opened the door for confrontation purposes, due process arguments.

6 (DSM 3; 5-8) GARCIA/ KIRBY (citation omitted) the peoples November 23, 2010 evidence
7 became testimonial since the jury never seen this evidence, petitioner did not cross examine this
8 evidence, did not have a chance to authenticate it. According to the peoples argument "**this**

9 **evidence is the only physical proof petitioner committed this felonious homicide"** -
10

11 **"WHICH IS NOW PETITIONERS PHYSICAL PROOF THAT THE JURY WERE**

12 **ILLEGALLY MOTIVATED BY FALSE EVIDENCE AND WERE ILLEGALLY**

13 **INSTRUCTED AS A MATTER OF LAW"**. (JEFFERSON's California Evidence Bench book
14

15 CEB 2022 edition sec. 5.7; GARCIA 46 CA5th @171(2020) "if the prosecutor seeks to use the
16 record of conviction to prove facts other than the conviction itself, then the record itself is
17 testimonial and implicates protections under the sixth amendment" CRAWFORD 541 US 136 It

18 was the presentation of this documentary evidence and the peoples argument based on this
19 evidence which is now subjected to due process under the 14th amendment as well as petitioners
20 right to confront. PC1172.6©, 1172.6(f) (EMPHASIS ADDED) since it is the peoples key

21 centerpiece evidence to their argument on the issue of eligibility it motivated petitioner into
22 seeking the courts experts, as a matter of law, to determine whether this evidence is in fact false.

23 **The court is to take judicial notice of Naum Ware's report- GS Media Lab's report under**
24 **this testimonial arena at the prima facie stage!** Cal Const Art. VI sec 10 "access to credibility

25 **is guaranteed": Cal Const Art I sec 15"shall be afforded access to compel witness in favor";**
26

27

1 Cal Const Art I sec 28(f)(2) “shall be entitled to truth in evidence in all criminal proceedings”
2 PC686(3) “to produce witness on behalf of and to confront”; LINT 182 Cal.app.2d 402 @HN14;
3 HEACOCK 10 CalApp 450 “upon any other occasion than preliminary hearing examination of
4 witness or upon former trial and then only if it was given in such proceedings in the same action
5 which is now under examination”; PYLE 317 US 213 “a trial does not necessarily validate
6 fraudulent material into systemically becoming cured”; LEWIS 257 Cal.rptr.3d 265, 43
7 Cal.app.5th 1128, 2020 CalApp LEXIS 9, rev’s, (CAL 2021) 281 Cal.Rptr.3d 521, 491 p.3d 309,
8 11 Cal5th 952, 2021 Cal LEXIS 258 “if the petition itself expands or refers to evidence outside
9 the record that contradicts facts established within the record these evidences [MUST] be
10 considered”. The court [must] take notice of the third amended ^{PETITION} ~~complaint~~ filed with this court on
11 February 23, 2025 @ sec III par.2-4, sec IV par. A-D) There is now scientific reason to believe
12 the district attorney’s office conducted strategic frauds upon this court, these proceedings, the
13 state of California, to deprive access to due process, depriving access to warranted relief under
14 14th amendment U.S. Constitution, Cal Const Art I sec 7(a), 24. **As a direct result of these**
15 **covert frauds that have escaped discovery seventeen years after they were ~~created~~**
16 **manufactured, forty years after the alleged crime occurred, two years after they were**
17 **illegally ^{CREATED} ~~captured~~, and three years before they were used deceptively to improperly**
18 **motivate a panel of jurists, the courts experts have now proven this evidence was**
19 **improperly created, where there is now physical and scientific proof this evidence had been**
20 **altered more than one hundred times throughout the four hour interrogation. THIS TYPE**
21 **OF MISCONDUCT IS CRIMINAL AND PETITIONERS CASE MUYST BE VACATED!**
22 **SANCTIONS LACED AGAINST THE COUNTY DISTRICT ATTORNEY JASON**
23 **ANDERSON, JOHN THOMAS, STATE BAR COMPLAINT**

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**VI. THE DISTRICT ATTORNEY'S SATIN SHEET
STRATEGICALLY USED TO DEPRIVE
ACTUAL INNOCENCE DEFENSES**

On August 2008 the SBDA office was informed that petitioners DNA eliminated him as a primary principle suspect in the Rita Mabel Cobb murder which occurred on September 20, 1985, at a time petitioner was over 100 miles away. Petitioner told detectives and private investigator there was several witnesses to this alibi had this case been filed timely. Giving both detectives contact information in 1985. Thomas Mullen (562)635-6445; Linda Mitchell (626) 636- 6896. (Twelve witnesses were available) Which is more than likely why petitioner was never further investigated during the 1985 investigations. There will be detective notes on this information, which the district attorney has deprived access to. Knowing this information SBDA & SBSB coordinated an entrapment sting to capture incriminating evidence at petitioner's residence on March 8, 2009 (EXHIBIT A) (GSML @4:08.328, 5;36.863, 1;14;00.687) This gave the impression the interrogation was willing and that petitioner willingly went to the police station. "I think I should be calling my lawyer"- "I don't want to go to the police station"- "I'll drive my truck so that I can call my lawyer and arrange a bail-bondsman"- "John we have to take you to the police station"- "then I'll drive my own truck" **ALL OF THIS WAS ERASED FROM THE REAL TIME RECODED MATERIAL AT 1H 14M .687S TO**

ESCAPE MIRANDA REQUIRMENTS!

According to the experts reports the evidence presented into these proceedings;

- 1) Petitioner was in fact under coercive/ psychological restraint arrest
- 2) That there was multiple agencies on standby to prevent free movement
- 3) That petitioner was their primary suspect at that time
- 4) Switched petitioners answers to plant evidence onto him to incriminate

1 All of this was created on March 9, 2009 the day after they captured it, creating the first
2 edited copy for this fraudulent trial, reducing 3h 48m recorded material until it was 3h 40m 3s
3 long, after they strategically deleted MIRANDA markers, and other material that would
4 necessarily impeach the peoples theory of this felony murder. This edited material was then
5 given to trial counsel on or about June 2009 as unaltered, requiring textual transcripts that had
6 not been created yet. This same edited material was used by the people's advocates on
7 November 23, 2010 to create two separate textual transcripts, one 113 page text and one 136
8 page text. The peoples advocate then gave trial counsel the 136 page text, implying it was the
9 only transcript and was accurate, while withholding the 113 page text which would be used at a
10 later time. The 113 page and 136 page texts were unlike each other, unlike the copy of real
11 compact audio disc created on March 9, 2009 and unlike the March 8, 2009 interrogation
12 original PUMA5 recorders, or cam- corder material. These two texts are accurate memorials that
13 the peoples advocate did in fact plant digital evidence upon petitioner for the purpose of
14 incriminations during trial, changing petitioner's answers. (Discussed elsewhere) (NAUM
15 WARE REPORT @ p#5) (GSML REPORT @ p#) On January 26, 2011 the peoples
16 advocate ^{CORRECTED COUNSEL} corrected trial into stipulating to redactions of defendants extrajudicial statement trial
17 counsel thought to be accurately transcribed before. (RT403, 455) **COSAC 77 Cal.app.4th @**
18 **1121: GATES 141 Cal.app.3d @ 994; RUTHFORD 14 Cal.3d 399** **"any stipulation based**
19 **on acts of fraud are legally invalid and unenforceable"** Deputy District Attorney John
20 Thomas with the assistance of Sanbernardino Sheriff detective Robert Alexander created the
21 peoples exhibit 49 (audio/ text transcript 2h 55m in length) exhibit 49A (113 page text transcript)
22 both matching one another, both unlike the November 23, 2010 transcripts, both unlike real time
23 recordings, both having altered answers that would incriminate petitioner when shown to jury.

1 This means that the people's advocates had to use equipment on January 26, 2011
2 that is not issued by the Sanbernardino sheriff department or district attorney's office.
3 (SEE ATTACHED INVESTIGATION REVIEW) Thomas then had to upload the March
4 9, 2009 audio recorded material onto his personal computer using software specifically
5 designed to alter evidence. He then created a separate copy of this material so that the
6 original copy would not get damaged and could be covertly used at a later time, placed into
7 this record after the trial. He then cut and edited audio material from the 3 hour 48 minute
8 copy in strategic locations [UNTIL THIS MEDIA WAS ONLY 2 HOURS AND 55 MIN-
9 UTES LONG] while destroying potential material exculpatory, material impeaching
10 evidence, cutting out audio answers and splicing audio answers another location so he can
11 plant digital audio evidence (PLANTING A KEY TO THE VICTIMS HOUSE ELEC-
12 TRONICALLY) (RT455; 26) "SO THAT EVERYTHING THAT NEEDS TO BE CUT
13 OUT IS REMOVED AND EVERYTHING ELSE SOUNDS GOOD TO HIM"

14 He then used audio to text software to create a 113 page text, (EXHIBIT ^{49A}~~49~~) as well as one
15 audio/ text transcripts that matched one another, and was 2hour 55 minutes length in
16 time.(EXHIBIT 49) (RT509:6-10) Thomas then gave trial counsel a copy of the text
17 transcript he created on January 26, 2011 so that he and petitioner could follow along with
18 the audio/ text overhead projection used during this trial. The text transcript had a
19 creation date of January 26, 2011 {PETITIONER HELD THIS TRANSCRIPT DURING
20 THE PLAYING OF STATES EXHIBIT 49} then on January 27, 2011 the peoples advocate
21 told the jury that this evidence had not been altered and was original media. (RT508;10-
22 509:4) Between January 27, 2011 and February 3, 2011 the peoples advocate gave the jury
23 the 113 page text transcript during deliberations and repeatedly told them, repeatedly

1 instructed them to pay attention to the actual remaining content of this evidence after they
2 had already told them it was unaltered and original media, as the peoples key centerpiece
3 evidence in proving that Yablonsky committed this crime. Once the jury came to the
4 desired verdict on February 3, 2011 the peoples advocate captured and destroyed their
5 fraudulent papers created on January 26, 2011 and replaced them with papers the jury
6 never seen, that had been created on November 23, 2010 (113 page text) and March 9, 2009
7 (3hour 48 minute audio)
8

9 **EVIDENCE THIS COURT NOR THE JURY EVER SEEN UNTIL TODAY!**

10 After the peoples advocate gave trial counsel these copies of the March 8, 2009
11 interrogation which the jury and this court never seen, these papers were then used
12 throughout the entire judiciary functions of petitioners post- trial pursuits. "THESE
13 COOLERS HAD ACHIEVED THEIR STRATEGIC GOALS BECAUSE OF LACKING
14 TECHNOLOGIES" (coolers are items designed to distract the viewer during a magic
15 show) which have deprived petitioner access to relief from these constitutional travesties
16 until recent discoveries by court experts Naum Ware & GS Media Lab.
17

18 Ca. Ev. Code 452(h) **THIS COURT MUST TAKE JUDICIAL NOTICE OF THESE**
19 **REPORTS AND THEIR COMPELLING SCIENTIFIC CONCLUSIONS ABOUT THE**
20 **PEOPLES EXHIBITS 49 & 49A!**
21

22 The series of repetitive frauds by these evidences, these evidence manufacturing
23 court officers is despicable and is so outrageous that their actions is unconscionable and
24 sanctions at this time just doesn't seem quite enough. ROCHIN 342 US @166(1952) The degree
25 of sophistication into these criminal conducts by senior officers of the court, our streets policing
26
27

1 agencies not only violated due process rights of the defendants, but have contaminated the entire
2 fact finding process at the trial, post-trial, appellate & habeas corpus thresholds to relief!
3 SALERN 481 US @ 746(1987) “Substantial behavior that exceeds due process which interfere
4 with rights implicit in the concept of offered liberty”; ABRAM 352 US @435 (1957) “conduct
5 so [BRUTAL] and [OFFENSIVE] that it did not comport with traditional ideas of fair play and
6 constitutional decency”. Topping these grotesque offenses off the district attorney’s office now
7 suggests that their electronic digital computer file on this case has managed to destroy the
8 January 26, 2011 transcripts, digital media, and audio recording, but coincidentally managed to
9 salvage the November 23, 2010 transcripts and March 9, 2009 audio media! Implying they never
10 existed. (RT403, 455) “I have to cut the evidence out and make sure that everything that needs to
11 be taken out is taken out and that this evidence sounds good” {OH} “ I got to do this myself I
12 cannot leave that up to somebody else....I’ll be up late tonight doing this”.
13
14

15 Now, I’m just saying, this sounds a lot like calculated violations of our states penal laws
16 outlined under penal code sections 115(a), 118.1, 127, 128, 132, 134, 135 & 182(a)(1&5) “when
17 two or more persons conspire to commit any crime, to commit an act injurious to public morals,
18 or, to pervert, or, obstruct justice, or, the due administration of state laws” Petitioners experts can
19 now prove every one of these claims with physical and scientific evidence that these attacks on
20 this material evidence was not accidental, coincidental and was strategic where they with
21 methodical scheming destroyed potential material exculpatory evidence, potential material
22 impeaching evidence, altered petitioners answers to plant digital electronic evidence to
23 incriminate the petitioner, then switched answers around to enhance the peoples theory-of-
24 felony- murder. Once their evidence had been manufactured, they generously sprinkled this
25 audio recording with one hundred more cuts and splicing’s to cleverly disguise their fraudulent
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1 activities. Giving this evidence the impression that they only produced a faulty audio copy, much
2 like an old LP with dust on it filled with scratching noise. It is the final series of frauds that were
3 so brutal and offensive to the entire fact finding process in this case that this case must be
4 vacated with prejudice and sanctions placed against the SBDA office, which this court should
5 sua sponte file criminal charges against (former county district attorney) Michael Ramos,
6 (deputy district attorney) John Patrick Thomas, (homicide detective) Greg Myler, (homicide
7 detective) Robert Alexander & (current county district attorney) Jason Anderson. To make this
8 precedence petitioners argues under MOORE 57 Cal.app.3d @440 “the defendant performed
9 undercover work and testified in exchange for release from custody while the prosecutor lied to
10 trial counsel, hiding this arrangement by lying that the prosecutors investigator was faulty”
11 BOULAS 188 Cal.app.3d @ 426 “ Where the defendant agreed to inform on a drug dealer in
12 exchange for leniency . The prosecutor had the defendant fire trial counsel so that he could help
13 the defendant get an attorney that would be more workable to perfect this scheme” MORROW
14 30 Cal.app.4th @ 1255-56 “ Where the defendants alibi witness recanted the prosecutor told the
15 defendant if he did not plead guilty she would delay the trial so she could go on a skiing trip
16 while the defendant counsel conferred with the client the prosecutors investigator eaves dropped
17 into that meeting between attorney/ client and then reports this back to the prosecutor in a
18 whisper. The bailiff seen all of this and reported this to the court. The delay was granted over the
19 defendant’s objection. Defendant moved to dismiss based on this misconduct (Id @ 1256) the
20 trial court denied the motion for lack of proof. The court of appeals issued writ of mandate to
21 dismiss on the grounds of state and federal violations to defendants’ rights.
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1 **VII. DELIBERATE VIOLATIONS DUE PROCESS**

2 As described above and elsewhere Sanbernardino district attorney, Sanbernardino
3 sheriff department has submitted to this court, into these proceedings evidence that they with
4 malice of mind, falsified, destroyed in clear violations to California's evidentiary rules.
5

6 The three hour forty eight minute real time recording of the March 8, 2009 entrapment
7 scheme captured on PUMA5 recorders issue by The Sanbernardino Sheriff Department to all
8 sheriff personnel who are trained how to use this equipment outlined within policies # 2.454.25,
9 2.454.35, 2.454.40, 3.116, 3.116.10, or any other related to these responsibilities to record all
10 investigatory issues related to criminal activities. Petitioner has conducted a thorough research
11 into the protocols of SBSB as well as the PUMA5 recorders and has been able to provide results
12 of these searches that;
13

- 14 1) PUMA5 recorders will not create the type of audio material used and placed
15 into the DSS file submitted to trial, trial counsel and used to create the peoples
16 EXHIBITS 49 & 49A
17 2) The peoples EXHIBIT 49 (audio compact disc) could not have been cut and
18 spliced in the manner which this evidence not shows by PUMA5 recorders.

19 What this means is that the two PUMA5 recorders used by Alexander and Myler were
20 used to create {A COPY} but not the copy used to create the peoples exhibit 49. Through
21 thorough research and testing using the PUMA5 functions artificial intelligence programs have
22 determined that the people's exhibit 49 was not the product of the PUMA5 recorders. This means
23 that they had to create a separate piece of equipment, comport program that is not only not
24 authorized by the SBSB, but was created for the sole purpose of tampering with this type of
25 audio. The peoples advocate them using the unauthorized equipment & unauthorized software,
26 created an audio copy they made from the PUMA5 original audio of the March 8, 2009, then
27

1 altered it strategically, in a methodical and calculate manner on March 9, 2009 @ 0730 hrs. in
2 such a way that technology in 2011 would be not be able to detect the digital footprint because of
3 how sensitive it was {back then} footprints. Over time sophisticated program designers
4 developed IZOTOPE RX6, audio clarifications, file verification software that was so sophisticate
5 and sensitive that it can now scientifically detect, with visual proof, any digital residue in the
6 audio material. **JUST AS POWERFUL AS DNA SCIENCE WASS TO CRIMINAL**
7 **INVESTIGATONS IZOTOPE RX6 IS TO THE ATMOSPHERE OF THE AUDIO**
8 **WORLD!** (GS MEDIA LAB REPORTS & NAUM WARE REPORTS HAVE BEEN
9 ATTACHED HERETO) This means that when SBDA gave trial counsel David sanders this
10 evidence in June 2009, they knew this evidence had already been altered even though they
11 represented it was authentic. (SEE DUE DILIGENCE: REPORTS BY TRIAL COUNSEL
12 CANTY AND POST TRIAL COUNSEL LEVY WHO CLAIM THEY HAD NO IDEA THIS
13 EVIDENDCE HAD BEEN TAMPERED. TRIAL COUNSEL SANDERS IS UNAVAILABLE
14 TO COMMENT, HAL SMITH PASSED AWAY, GOD REST THAT MANS SOUL)

VII. POINTS AND AUTHORITIES

STANDARD OF REVIEW

21 The United States Supreme Court stands firmly that defendants 14th amendment due
22 process clause construed under BRADY 373 US 83 defendants are afforded the [right] to access
23 significant impeaching of exculpatory material in the peoples possession. The materiality
24 standard for BRADY claims is met when “favorable evidence could reasonably be taken to put
25 the whole case in such a different light that would undermine your confidence into the verdict.
26 (Sic) KYLES 514 US @435 To deprive access though deliberate actions of deception, use of

1 false evidence is so incompatible with the rudimentary demands of justice. DRETKE 540 US @
2 HN10, when the suppressed evidence could have played significant material role favorable to the
3 defendant, that could have put the entire case in such a different light as to undermine the jurors
4 confidence in the peoples case, resulting in a more likely than not different verdict.

5
6 (EMPHASIS)

7 STRICKLER 727 US @289 to show BRADY errors the defendant must show;

- 8 A) The prosecutor withheld exculpatory evidence
9 B) The defense of the petitioner relied on an open file policy to disclose such evidence
10 C) State confirmed petitioner's reliance on the open file policy

11 If the petitioner can make this showing of either one of those, then he has shown cause.

12 STRICKLER @ 289; KYLES @ 437 "Was the prosecutor responsible for any favorable
13 evidence known to others on the governments behalf in the case, including police agencies"
14 GRAMLEY 520 US @909" had the public officials properly discharged their official duties"
15 KYLES @ 453;

16
17 "The question is not whether the state would have had a case to go to the jury
18 if the disclosed evidence favorable had been available, but, whether without it
19 one could conclude the confidence in the verdict would have been the same,
20 confidence that it would have been, cannot survive a re-capturing of the
suppressed evidence and it's significance in the prosecutors case".

21 In the face of the peoples theory of this case, theory – felony- murder (RT32;12)
22 There is no physical or scientific proof of the felony other than the defendants extrajudicial
23 statement (RT 32;23) That the false nature of the statement alone is proof of this felony
24 (RT 34:12) That the jury could simply infer guilt from the false statement evidence (RT34;18)
25 The statement is the peoples proof of Yablonsky guilt (RT33;16) That the statement is the
26 peoples only proof Yablonsky is guilty (RT 599:11) Defendant knows he's guilty because of his
27

1 statement (RT599:25) There is no direct evidence that goes to the main issue of guilt there is
2 only circumstantial evidence (RT 569:16) **The identity of the suspect and degree of this**
3 **crime can be determined by the defendants statement evidence alone!**

4
5 **SO WHAT DID THE DEFENDANT ACTUALLY SAY?**
6 **HE DENIED AN EXTRAMARITAL AFFAIR WHILE BEING**
7 **QUESTIONED IN FRONT OF HIS ENTIRE FAMILY!**

8 The accused has a right to disclose evidence in his favor for available defenses

9 PC1054.3(a); FAIRBANKS 192 CA3d 32; This includes non-testimonial evidence.

10 SCHMERBER 384 US 757; VERDIN 43 C4th @1110 Due process requires the defendant be
11 given access BAGLEY 473 US @676; BRADY @ 87.

12 **HOW EX POST FACTO CAUSED INJURY**

13 Some state courts follow federal corroboration rules (ARMSTRONG 502 P.2d @447)
14 but California does not. We instead apply the corpus delicti rule which [originally] required
15 independent proof of an actual crime before extrajudicial admissions could be permitted as
16 evidence. (ALVAREZ 27 Ca; .4th @ 1169) The rule derives from common law (Id @ 1173) The
17 court cautioned that pre-2008 versions of section 28(d) did not eliminate the independent proof
18 rule in-so-far as the rule prohibits convictions where the only evidence that the crime was
19 committed is the defendants extrajudicial statement outside of the court. The original felony-
20 murder instructions were abolished.

21
22
23 CALJIC no.2.72 “which informed the jury that the defendants statement to law
24 enforcement must be supported by independent evidence; “no person may be
25 convicted of a criminal offense unless there is [some] proof of each element of
26 the crime independent of any extrajudicial statement made by him outside of this
27 trial. The identity of the person who is alleged to have committed a crime is not
28 an element of the crime, nor is the degree of the crime. The identity of degree of
the crime may be established by the admission. The corpus delicti of a felony-
based circumstance need not be proved independently of the defendant’s

1 extrajudicial statement” Indeed defendant’s words alone may establish the
2 degree of the crime or his identity as the perpetrator. VALENCIA 43 Cal.4th @
3 297;
4 LEDESMA 39 Cal.4th @721

5 **THIS INSTRUCTION CONTRADICTS CALCRIM 358-359!**
6 **THIS INSTRUCTION WOULD HAVE MADE A DIFFERENCE!**
7 **(SEE ATTACHED RESEARCH)**

8 These then turn on whether BRADY was in fact violated under TRMBETTA @ 488;
9 YOUNGBLOOD @ 58 due process hinges on whether good or bad faith when favorable
10 evidence was destroyed. PASTOR CRUZ 16 CA4th 322; FISHER 540 US 544 Now even
11 though it is difficult to prove bad faith it is not impossible! COOPER 53 C3d @810; MEDINA
12 51 C3d @893; see also; ZAMORA 28 C3d @96 “when bad faith is shown sanctions are
13 required” TROMBETTA @486 The best result of a TROMBETTA/ YOUNGBLOOD
14 movement is where the courts permit the defendant to produce to the trier of fact the prosecutor
15 knowing the evidence might have exculpatory value, either failed to preserve it, or, as in this
16 case, **destroyed it**. The court must take judicial notice of the GSML & Naum Ware reports
17 results Ca Ev 452(h);
18

19
20 **GS MEDIA LAB EXAMINTION RESULT**

- 21 1. The interrogation of John Henry Yablonsky occurred on March 8, 2009
H#100-85.DSS
- 22 2. The duration of this audio material is 3 hours 40 minutes & 3 seconds long
- 23 3. The BIUT Rate is 160 kb/s
- 24 4. DSS file created on March 9, 2009 @ 0730; 40 hrs. (original copy intact)
- 25 5. Original recording on March 8, 2009 meta data shows file#2 created on
March 9, 2009
- 26 6. Using sensitive software MACPRO OS X VER.10.7.5- IZOTOPE RX6-
AUDIO CLARIFICATION- FILE VERIFICATION
- 27 7. The evaluation was conducted on June 24, 2025 through November
28 2025

- 1 8. That within the first few minutes alone of copy material there are at least
- 2 four drop/ cuts splicing where original material had been tampered
- 3 9. That at 1h 14m .687s a drop/cut splice occurred in original media (“kind
- 4 of away from your wife.*right here*
- 5 10. That there are more than one hundred drop cuts throughout this three hour
- 6 and forty minute audio recording, which should not exist (discussed
- 7 below)
- 8 11. That at h m s into this audio material the verbal slate
- 9 timers were turned off and then back on at h m s giving the
- 10 impression this was one continuous recording
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17 This evidence gives greater weight into the courts instructions. KYLES @ HN2
18 “there is no difference between exculpatory and impeaching evidence” (Id @ HN3) The
19 constitution deprivation impacted the materiality which reduced the trial to becoming far
20 less than fair in light of all the other directly incriminating evidence found at this scene,
21 which the peoples advocate strategically withheld from this jury. (Id @ HN4) That the
22 totality of materiality of the destroyed withheld evidence favorable to the accused [most
23 certainly] would have placed this case under a very different light” BAGLEY 473 US @
24 667. **In this instance the record is saturated with testimonial, statements made by**
25 **the people’s advocate which support this evidence was targeted at proving guilt**
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1 under ex post facto laws, strategically created and presented in such a way to
2 navigate potential evidentiary hurdles in a fraudulent stipulation between counsel
3 and prosecutor. (RT 403- PROSECUTOR “I got to make the redactions myself, I
4 cannot leave that up to anybody else”) (RT455- PROSECUTOR “ I am intending on
5 removing Yablonsky’s invocation”- “ I got to go through this evidence and make
6 sure what needs to be cut out is cut out and make sure everything sounds good)
7 (RT508-509- PROSECUTOR “Is this evidence related to the march 8, 2009
8 interrogations?”- DETECTIVE “Yes”- PROSECUTOR “is this evidence accurately
9 transcribed?” –DETECTIVE “Yes”) (RT509;6- PROSECUTOR- “This evidence is
10 just about two hours and fifty five minutes long) (DSM3;5-8 -DISTRICT
11 ATTORNEY-“ It is the petitioners statement and his DNA which the jury used to
12 decide whether he was guilty) (RT317- SBSB CRIMINALIST JONES “Yablonsky’s
13 DNA is several days older than this crime”) (RT 491- SBSB PATHOLOGIST
14 SAUKEL “Yablonsky’s DNA is at least one and a half days older then the crime)
15 (COA17 “ There is reason to believe that Yablonsky could have had sex with Rita as
16 late as Thursday and Rita could have been killed by someone else on Saturday
17 morning”. We’re not just talking about the destruction of one piece evidence! They
18 refabricated this evidence no less than seven times before they sent it to the jury, then
19 afterwards destroyed what the jury seen, and replaced it with evidence the jury nor this
20 court had ever laid eyes on until these proceedings. (472 US @682) (427 US @108) (295
21 US @88) “The representativesof sovereignty....whose interests... in criminal
22 proceedings is not to win a case, but, that justice be served” In this matter the peoples
23 advocates Ramos and Thomas stepped outside their roles as advocates and became
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1 enemies of tis state, this trial record when they used tools, equipment not authorized by
2 the district attorney's office or sheriff department to make evidence they knew was false
3 for the sole purpose of committing frauds upon this court, the state of California, and
4 their actions have been discovered by the peoples own experts. Had the jury known the
5 evidence was false, had the jury known that Yablonsky invoked, Had the jury known that
6 the actual murder evidence did not have Yablonsky's DNA on it, had the jury known that
7 the people changed Yablonsky's answers to plant a key, they most certainly would have
8 made different decisions, had the jury known that there was a man who left his DNA at
9 this scene on the day of the murder, but escaped detection until three years afterward
10 when he confessed would have made a very big difference, in how this jury came to their
11 verdict in a case where the DNA evidende excluded Yablonsky as their suspect. In fact
12 after all these lies the jury were hopelessly deadlocked! This tells us that this evidence
13 that was destroyed would have carried great weight into these trial proceedings and there
14 is more than a reasonable likelihood they would have come to a different conclusion,
15 there is an absolute certainty the only person who would have been banging Yablonsky
16 committed this crime would have been the prosecutor himself. The` gravity and degree of
17 this destruction and its effects on this trial reduced Yablonskys rights to far less than a
18 farce and sham. BAGLEY 473 US @675 "The BRADY rule it is not to displace the
19 adversary system as a primary means by which truth is uncovered, but to ensure that a
20 miscarriage of justice does not occur. More precisely reiterating a critical point, the
21 prosecutor will not have violated the constitutional duty of disclosure unless his
22 omissions, destruction is of significance to result in the denial of Yablonsky's right to a
23 fair trial. (427 US @108) In this instance their destruction began on March 9, 2009 and
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1 did not stop until March 14, 2025 when they district attorney admitted the evidence they
2 created was destroyed! How is this? It was saved onto the same DR#1331036-07 file,
3 wasn't it, or, was it? **More importantly why wasn't it?** Because some of the file was
4 saved but not all of it, tells us all we need to know!
5

7 NAUM WARE INVESTIGATON REPORT

- 8 1. Yablonsky was under constructive arrest by presence of numerous police
- 9 agencies
- 10 2. Yablonsky tried invoking MIRANDA but detectives ignore the unequivocal
- 11 invocation
- 12 3. Detectives used ploys to force Yablonsky to the jail
- 13 4. The interrogation was held without proper MIRANDA waiver
- 14 5. Detectives were clearly investigating a crime they believed Yablonsky was a
- 15 suspect
- 16 6. Detectives altered Yablonskys answers about having a key to the victims house
- 17 7. After conducting the interview detectives altered their recorded material
- 18 8. That GS MEDIA uncovered more than fifty drop/ cuts in the alleged original
- 19 audio material of the March 8, 2009 interrogation
- 20 9. That during the interrogation detectives turned off the verbal slate (time & date)
- 21 in at least one location of the "alleged" original media giving the impression of
- 22 one continuous recording
- 23 10. When the verbal slate option was turned off it destroyed Yablonsky's ability to
- 24 properly authenticate, that this action appears to be deliberate and methodical

25 These facts give great weight into the courts instructions whether jurors could in fact
26 legally determine who committed this crime and to what degree. Taken as a whole, based on
27 these experts' reports, this suggests that these acts were intentional because they began as early
28 as the very next day after the entrapment scheme

1 **VIII. WHERE DO WE GO FROM HERE?**

2 California Supreme Court strongly holds on this issue. PATTON 17 Cal.5th @ 567
3 (March 3, 2025) Petitioners confronting a record of conviction ^{THAT} could may have demonstrated
4 relief is unavailable have the burden of coming forward with non- conclusory allegations,
5 physical evidence, to alert the prosecution and the court to what issues an evidentiary hearing
6 would entail. It follows from what we have repeatedly said already that should a trial court
7 encounter a material fact dispute, the court **may not resolve that dispute at the prima facie**
8 **stage** and should instead grant petitioner an evidentiary hearing, assuming relief is not otherwise
9 foreclosed. A petitioner has multiple opportunities to proffer specific facts. As noted the initial
10 petition itself, which is not limited to the allegations found on pre-printed forms, begins, but,
11 does not end, the inquiry. Section 1172.6(c) expressly anticipates petitioners reply to the peoples
12 response and, “[after] the parties have had an opportunity to submit briefings”, arguments at an
13 1172.6(c) hearing. Indeed the response and reply called for under PC1172.6 are similar to habeas
14 corpus informal proceedings which themselves play crucial roles in determining whether relief is
15 in fact entitled...if petitioner successfully controverts the factual allegations material submitted
16 with petitioners claims persuade the court....for instance...a petitioner pointing at a separate
17 party as the actual perpetrator...that are beyond speculation, that is, hypothetical alternatives
18 conjured out of thin air, will not be sufficient! In assuming there is indeed a factual dispute that
19 is persuasive then the court [must] issue an order to show cause. MAAS 1 Cal.5th @ 974 “a
20 petitioner is afforded an opportunity to reply to any response which controverts facts raised
21 therein by the district attorney” IN RE JENKINS 14 Cal.5th @ 493, 519, fn.23 “Courts should
22 moreover implement PC1172.6 so that petitioners have ‘MEANINGFUL’ opportunities to
23 defend their petitions.”
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1 IX.ARGUMENTS HEREIN

2 **A. DISTRICT ATTORNEY JASON ANDERSON IS LEGALLY**
3 **ESTOPPED FROM ARGUING INELIGIBILITY AS- A-**
4 **MATTER OF LAW AND THIS CONVICTION MUST BE VACATED**

5 As described above and elsewhere this conviction rests squarely on the deliberate, surgical
6 destruction, fabrication and known use of false evidence throughout the entire fact finding
7 process, which the people now argue ineligibility, which violates U.S. Constitution 14th amend-
8 ment due process, Cal. Cons. Art I sec. 7(a) (RT403, 455, 508-509) (states EXHIBIT 49 & 49A)
9 (RT569;16) “That you can determine who committed this crime and to what degree by the
10 defendants extrajudicial statement alone” HOLOHAN 294 US @ *3 & *8 “deliberate deception
11 by false evidence violates due process”; NAPUE 360 US @ 269 “known use of false evidence
12 that was material to the issue of guilt mislead the jury’s impression requires reversal”; PATE 386
13 US 11 “vacation is required when physical evidence was deliberately falsified” PC 118.1, 127,
14 128, 132, 134, 135, 141 & 182(a) **GS MEDIA report shows the states key centerpiece began**
15 **its [ILLEGAL] journey on March 9, 2009. (RT 455; 22, 508; 20) Naum Wares report**
16 **regarding states centerpiece EXHIBIT 49A proves district attorney strategically planted**
17 **DIGITAL INCRIMINATING evidence against Yablonsky to incriminate him for this**
18 **crime. AS A RESULT THIS CONVICTION [MUST] BE VACATED AND SANCTIONS**
19 **PLACED AGAINST THE COUNTY DISTRICT ATTORNEY, PETITIONER ORDERED**
20 **RELEASED FROM CUSTODY FORTHWITH- SINCE THERE IS NO ACTUAL**
21 **EVIDENCE PETITIONER COMMITTED THIS CRIME!**
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1 **B. DISTRICT ATTORNEY IS ESTOPPED FROM LEGALLY**
2 **ARGUING INELIGIBILITY BASED ON THE SURGICAL**
3 **STRATEGIC DESTRUCTION OF THE PEOPLES EVIDENCE**
4 **PLANTING OF INCRIMINATING EVIDENCE AGAINST**
5 **PETITIONER AS SUCH THIS CASE MUST BE VACATED**

6 All facts described above and elsewhere are now incorporated. Expert reports attached herein,
7 already filed with this court by Naum Ware investigations & GS Media Lab does make a very powerful point
8 regarding the integrity of the peoples exhibits 49 & 49A which violate well established state evidentiary rules, state
9 and federal laws, state and federal constitution, when the peoples advocates strategically, surgically destroyed
10 material exculpatory evidence, destroyed material impeaching evidence, withholding exonerating DNA results that
11 attaches to a key suspect after his 1988 confessing to this crime, which more than demonstrates THIRD PARTY
12 CULPABILITY were both material to the issue of guilt in this case, but, deprived from petitioners jury.
13 YOUNGBLOOD @38 “bad faith destruction of exculpatory evidence violates due process”; BARRETT 80
14 Cal.app.4th 1305(2000) “duty to preserve original recording”. Had the trial counsel knew the states exhibit 49 was
15 already altered before he was asked to stipulate, would have prevented the erroneous and illegal stipulation, as
16 described within GSML reports, and simple suppression motions would have been successful. PC1385, 1538, 995
17 thereby impeaching the people’s theory that just because John lied about an affair he is Rita’s killer. The strategic
18 withholding of the DNA results off the actual murder evidence, which may have belonged to Gregory Randolph,
19 who committed suicide before formal charges could be filed, deprived petitioners of material physical evidence that
20 had exonerating powers. **As a result this case must be vacated and petitioner released from custody forthwith,**
21 **and this court should place sanctions against Jason Anders as the peoples advocate at this time!**
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1 **C. THE CUMULATIVE ACTS OF FRAUD UPON THIS COURT**
2 **THE STATE OF CALIFORNIA- ACTS OF MISCONDUCT**
3 **DEPRIVES THE DISTRICT ATTORNEY FROM LEGALLY**
4 **DISPUTING ELIGIBILITY AS A MATTER OF LAW AND**
5 **THIS CASE SHOULD BE VACATED WITH PREJUDICE**

6 All facts described above and elsewhere in conjunction with both expert reports are now
7 incorporated herein. On March 4, 2009 the peoples advocate began a long journey of criminal
8 behavior described as prosecutorial misconduct from a false probable cause affidavit, planting
9 False digital incriminating evidence, lying to trial counsel about the integrity of their statement
10 evidence, lying the court, lying to the jury about the integrity of the peoples centerpiece
11 evidence, lying during post trial collateral attacks, now lying to this court knowing that the
12 peoples exhibit 49A submitted into these proceedings was not only false, it was hidden from all
13 fact finders until January 26, 2024. The calculated, strategic, and surgical like alterations of
14 material evidence which occurred on March 9, 2009, November 23, 2010, January 26, 2011,
15 October 19, 2012, January 26, 2024 & March 14, 2025 knowing this evidence would be false,
16 their alterations would be intentional and strategic for the sole purpose of deceiving the court, the
17 state of California, the victims family and petitioner. These acts are despicable in nature, pathetic
18 and grotesque while violating every rule of professional ethics, and are egregious in nature,
19 unscrupulous, and sanctions are not enough at this time. Deliberate violations of CRPC 3.3,
20 3.4(a), 3.8(a), B & P 6068(d), PC 118.1, 127, 132, 134, 135, 182. HILL 17 Cal.4th 80
21 “cumulative misconducts denying fairness in trial”: URIBE 199 Cal.app.4th 836 “vacation is
22 required wen evidence was deliberately manipulated”; CHAMBERS 501 US 32 “fraud upon the
23 court demands vacatur”. These are worse than egregious, pathetic, they are unconscionable. **As**
24 **a result this case must be vacated, sanctions placed against Jason Anderson sand petitioner**
25 **released from custody forthwith.**

1 **C-1. THE JURY WERE ILLEGALLY/ IMPROPERLY**
2 **MISINSTRUCTED ABOUT INTEGRITY/**
3 **AUTHENTICITY OF DEFENDANTS EXTRA/**
4 **JUDICIAL STATEMENT EVIDENCE AND AS**
5 **A MATTER OF LAW- THE DISTRICT ATTORNEY**
6 **IS CONSTITUTIONALLY ESTOPPED FROM ARGUING**
7 **THE LEGALLITY OF THE PEOPLES VERDICT**

8 29a

9 As discussed above and elsewhere, the jury in this case were illegally mis-instructed
10 as a matter of law. The prosecutor amended this complaint to try under prospective applications
11 of PC190.2 (a) (17) with regards to allegations of felony-rape-murder which was never directly
12 supported by the defendant's uncorroborated extrajudicial statement or any other evidence from
13 the crime scene. In a calculated manner this jury were impermissibly given jury instructions
14 under CALCRIM 358 & 359 as-a-matter-of-law-of-this-case, instead of CALJIC 2.70, 2.71, 2.75
15 In this instance by instructing the jury under 358 & 359 without providing CALCRIM 121
16 "evaluation of recorded evidence regarding (edits) (time gaps) (missing time) (splices) "**you**
17 **have heard a sound recording and seen a transcript of that recording is the evidence; the**
18 **transcript is only an aid, if the recording is unclear, you must decide whether that affects**
19 **the reliability of the recording , you alone must evaluate the accuracy of the statement and**
20 **the recorded material**" (see attachments and experts reports) In this case the court [KNEW] the
21 "evidendce had been edited, redacted", and failed to adequately legally instruct this jury allowing
22 the district attorney to openly commit frauds upon this court, this jury, and this state, this trial
23 fact finding process by lying to the jury that **THIS EVIDENCE WAS THE PRODUCT OF**
24 **AN INVESTIGATION AND WAS ACCURATELY CREATED, WHILE OUTSIDE THE**
25 **PRESENCE OF THAT SAME JURY ADMITTING TO THE COURT TO AGGRESSIVE EDITING,**
26 **REDACTIONS, CUTTING THE EVIDENCE UNTIL IT SOUNDED GOOD, REDACTING**

29A

1 **YABLONSKY'S INVOCATION FOR ACCESS TO COUNSEL, WHILE STRATEGICALLY ADMITTED**
2 **TO DESTROYING POTENTIAL EXCUPLATORY/ IMPEACHING EVIDENCE ,THEN COVERTLY**
3 **ALTERING PETITIONERS ANSWERS IN DIGITAL AND AUDIO FORMAT SO AS**
4 **TO INCRIMINATE HIM FOR A CASE WHERE THERE IS ZERO OTHER**
5 **INCRIMINATING EVIDENCE THAT WOULD TEND TO CONVINC THE FACT**
6 **FINDERS YABLONSKY COMMITTED THESE CRIMES!**
7

8 This blanket of covert misconducts was given a [COURT HALL PASS] by the court to
9 deprive fact finders of real time facts, and instructions that they [must] pay attention to the
10 recording material very closely, while considering "integrity" which also gave the prosecutor a
11 [COURT HALL PASS] to hide behind retrospective applications of law. On the surface it
12 appears the court allowed the prosecutor to illegally authenticate under a blanket immunity, and
13 in this case convict petitioner with a fake piece of evidence that has absolutely nothing to do with
14 this case [AT ALL]....! (RT 403, 455, 508-509, 569; 16) Under 2011 law the jury were to be
15 instructed on audio quality, potential missing portions, voluntariness, potential altered portions.
16 (RT455; 16) "I am redacting invocations" CALCRIM 121 & 358 together! (Emphasis added)
17 The PUMA5 edited tape cannot be used under 2011 law in the state that it is! As a result this
18 case must be vacated as a matter of law based in the constitutionality of the legality of blatant
19 frauds hidden beneath the withheld instructions, re-written instructions altogether. Now
20 CALCRIM 226 was given, but the language was re-written by the prosecutor by [REMOVING]
21 the wording statement evidence for {testimony} when the jury should have been instructed
22 "whether the statement was recorded whether portions are missing, whether any part was
23 unclear, or, whether the statements had been altered". Instead the jury were inappropriately
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1 instructed as a matter of law in this case, in comparison of the instructions used, versus the
2 instructions that should have been used, based on the facts of this sensational 1985 COLD
3 CASE ran by Michael Ramos and his team of court officers. The modified CALCRIM 226 given
4 was so damaging, misleading because it effectively deprived access to a legally adequate factual
5 instruction by “methodically” refusing access for the jury to consider whether the statement was
6 recorded, whether portions were missing, whether the statement may have been altered.
7

8 **EFFECTIVELY THE PROSECUTOR ,HIS LEAD DETECTIVE & THE COURT**
9 **ILLEGALLY ENDORSED THIS EVIDENCE AS TRUE AND ACCURATE WHEN IT**
10 **WAS DEFINITELY WAS NOT, THEN GAVE DECEPTIVE MISLEADFING**
11 **INSTRUCTIONS!**

12 The jury were instructed under CALCRIM 318, 358, 359 & 362 but again
13 “neither of those instructions legally placed this jury on notice of potential discrepancies “THAT
14 THRIVED IN THE PEOPLES CENTERPIECE EVIDENCE”. That this statement evidence,
15 after being altered illegally, deceptively instructed, placed the jury onto the wrong path where the
16 verdict deserves no confidence! In comparison of the actual law of this case instructions under
17 CALJIC which require the jury to consider (was the statement true in whole or part) (was the
18 sound and transcript the same) Under both CALCRIM & CALJIC petitioners jury were entitled
19 to fair and just instructions that relate to the law and evidence of this case;
20

- 21 • Transcripts were presumed accurate unless disproven
- 22 • Defendant has the right to dispute statement evidence
- 23 • Circumstances of the interrogation
- 24 • Missing portions (SEE GSML)
- 25 • Recording quality (SEE GSML)
- 26 • Altered portions (SEE NAUM WARE)
- 27 • Voluntariness (SEE NAUM WARE)
- 28 • Police deceptive tactics (SEE Naum ware)

1 This is critical because in 2011 PUMA5 edited tapes would not have been legally
2 permissible into this record where reliability was an issue. Now although CALCRIM 358 was
3 given, it deprived petitioner of adequately, legally instructed jurors as to be aware of
4 [voluntariness] (RT403; 16- COURT-“do you have the jury instructions?”- DA- “I’ll have them
5 on Thursday”- COURT- “How about Wednesday?”- D “So the court the court does the
6 instructions?”- COURT- We’ll talk about special instructions”). Repeatedly the prosecutor
7 admitted to redactions, repeatedly the court was aware, and, in this case, tells the court, there was
8 a mandatory cautionary instructions that included all of the above factors in order to protect the
9 integrity of the fact finding/ decision process, as- a- matter- of- law! In this case petitioner was
10 deprived access to adequate and proper instructions where the people must prove all elements of
11 the felony as well as the authenticity of the statement evidence that was to be “corroborated”.
12 The felony allegation in this felony- rape- homicide complaint based it’s corroboration to DNA
13 that predated this crime by {days} (RT 317 several) (RT491) multiple). (RT403, 455, 508) The
14 illegality of the authentication process is {shocking to the entire atmosphere of the legal world}
15 (RT508; 22- 509; 4);

- 19 • The evidence relates to a March 8, 2009 interview
- 20 • Was recorded both in digital and audio formats
- 21 • Was accurately transcribed to the best of their ability
- 22 • Was only 2 hours 55 minutes instead of the original 3 hours 40 minutes

23 As GSML & NAUM WARE clearly points out the March 9, 2009 evidence related to the
24 peoples entire “DEFENDANTS EXTRAJUDICIAL STATEMENT EVIDENCE” is handcuffed
25 to evidence that cannot be true or accurate;

- 26 • Been altered more than one hundred timed sophisticatedly hidden behind
27 technology

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- Been altered by switching answers around from one place to another before the peoples exhibit 49 (audio/ text) was created on January 26, 2011 (RT403, 455)
- Altered before the peoples exhibit 49A (113 page text) was created on January 26, 2011 (RT403, 455)

These facts are grotesque, abusive and contaminated the entire fact finding characteristics of this and petitioners jury were illegally deprived of adequate and just instructions as- a- matter- of- law, in light of the fact this court knew, should have known at the time of formatting these jury instructions, before they gave them to the jury, that they would be illegally, and misleading. St Martin 1 C3d @531; DELGADO 56 C4th @ 488 “duty to instruct on law relevant to the case”; SANDSTORM 422 US @ 513 (1979) “The instructions may not lighten the peoples burden”; Because this evidence was redacted, petitioner did invoke, petitioner did not admit having a key to the victims house, there was impeaching matter in the real time recorded material, there was exculpatory matter in the real time material, this jury were genuinely illegally instructions as a matter of fact and law. **In this case the prosecutor himself played a significant controlling role in the modifying of these instructions, under the blanket he coerced an illegal stipulation from trial counsel by misleading him to believe the march 9, 2009 audio transcript was ‘UNALTERED’ when he knew they were not!**

This jury’s verdict was illegally obtained (RT509;15) This is the peoples secondary evidence (RT509;24- 512;4) The court permitted an illegal stipulating because of the prosecutor misled counsel of integrity (GSML REPORT) (RT 511;26, 512;4) (RT 455;6- DA- Redacting invocation) (RT531; 14- The jury inquired about MIRANDA) (RT548;16- COURT- MIRANDA is a court issue and not the jurors) (RT550;18- COURT- The tape is original media) In light of these mind blowing facts, petitioners right to a fair and justly instructed panel of fact finders was deprived- as a matter of law. The people’s exhibit 49 was strategically destroyed on March 9,

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1 2009 until it is impossible for the court, the prosecutor or anyone to then or now legally instruct
2 this jury without giving the jury adequate direction. Now even though there exists a stipulation,
3 whether legal or not, cannot overcome the facts now before this courts for failure to legally
4 instruct this jury as a matter of law. The jury under CALCRIM 121, others, never let the jury
5 actually make decisions on this evidence, at all, the evidence used then, or evidence now
6 presented here because, Exhibits 49 & 49A were never legally authenticated, even though the
7 jury were lied to, does not today necessarily give the district attorney a preclusive effect in these
8 proceedings. LOPEZ – BARRAZA 110 Cal.app.5th @ 1244; WARE 14 Cal.5th @ 163 “it is
9 impossible to know what influenced the jury”. Where as in this case the facts were in deed false,
10 the law was in deed false and misleading, the peoples theory was never corroborated by any real
11 evidence, any legal evidence that places this case on an {INDISPUTABLE PLATFORM} As we
12 can see GSML & NW reports clearly prove this jury were place onto a cobblestone path to a
13 guilty verdict, that which now cannot survive modern applications of law, in the wake of
14 BANKS & CLARK factors, to now consider whether this case [had] any actual incriminating
15 evidence against John Henry Yablonsky until March 9, 2009. That evidence had been repeatedly
16 destroyed, altered, manipulated on November 23, 2010, January 26, 2011, February 3, 2011, and
17 March 14, 2025, then presented into these proceedings begging preclusive effects! GARCIA/
18 KIRBY! Petitioner now has a legal opportunity to dispute that evidence under the 14th
19 amendment US Constitution! HOLOHAN- NAPUE- BRADY- ALCORTA. These acts described
20 herein violate well established state and federal law! As such the petitioner is entitled to a fair
21 evidentiary hearing or in this case for the people to submit and concede to resentencing. That this
22 court release petitioner today as a matter of law and sanctions placed against Jason Anderson
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1 **D. THE SURGICAL DELIBERATE DESTRUCTION**
2 **OF PETITIONERS INVOCATION, PLANTING**
3 **OF INCRIMINATING EVIDENCE LEGALLY**
4 **DEPRIVES THE DISTRICT ATTORNEY FROM**
5 **DISPUTING ELIGIBILITY AS A MATTER OF LAW**
6 **AND THIS CASE MUST BE VACATED IN THE**
7 **INTEREST OF JUSTICE**

8 All facts stated above and elsewhere along with both expert reports now incorporated
9 herein As described with GSML report submitted into these proceedings on October 20, 2025
10 and now here at CROP/ CUT #E @ 1; 14; 00.687 the peoples advocate surgically in a strategic
11 manner destroyed petitioners unequivocal invocation argument over being forced to the police
12 station so the peoples advocate can hide MIRANDA requirements. (EXHIBIT A) On March 9,
13 2009, November 23, 2010, January 26, 2011 the peoples advocate strategically destroyed
14 material exculpatory/ impeaching evidence to misrepresent to the jurors, fact finders, and these
15 courts petitioners invocation of access to counsel. These cumulative destructions deprived
16 petitioner efforts to access counsel were silenced because of the destruction, then the
17 misrepresentation into this record, depriving petitioner of constitutional protections, MIRANDA
18 384 US 436; OHIO 426 US 610; ESQUEDA 17 Cal.app.4th 1450 “illegal redactions eliminating
19 invocation requires reverse”. As described multiple times the peoples advocate not only
20 destroyed invocation, but, manufactured digital incriminating evidence in text and audio for the
21 sole purpose of committing fraud upon this court and to deprive petitioner of liberty illegally!
22 Then they presented this false evidence after they had destroyed this evidence from ever being
23 authenticated, they added another hundred cut & splices to hide their illegalities. This required
24 sophisticated planning and scheming, as they lied to the jury “**HEY THE DETECTIVE SAID**
25 **THIS EVIDENCE WAS CAPTURED DURING THE INTERVIEW AND WAS NOT**
26 **ALTERED, THEREFORE YOU CAN USE THIS EVIDENCE AND THIS EVIDENCE**
27

1 **ALONE TO MAKE UP YOUR MINDS ON WHETHER YABLONSKY'S GUILT FOR**
2 **THIS CRIME. THERE IS A GENUINE REASON THE JURY WERE DEADLOCKED!"**

3 To maintain their secret hidden behind technologies the peoples advocate
4 elicited the help of several parties to make sure post trial relief would forever be unavailable.

5 **As a result of these actions this case must be vacated with prejudice and petitioner be**
6 **released from custody today forthwith because there is no physical evidence which to keep**
7 **him in custody for this case. This court should order sanctions against the District**
8 **attorney's office**

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12 **E. THE PEOPLES ADVOCATE TURNED OFF THE VERBAL SLATE**
13 **DURING RECORDING AND REMANUFACTURING OF THIS**
14 **EVIDENCE MAKING THIS EVIDENCE UN-AUTHENTICATABLE**

15 As described within the GSML report at page # the peoples exhibit 49 created
16 on march 9, 2009 has trouble indicating when this evidence was actually created because the
17 verbal slate reader had been turned off at one location and then returned back on, giving the
18 impression that this was one continuous recording. Because the verbal slate was in fact turned of
19 deliberately does indicate that tis evidence was strategic. RUSSELL 411 US 423; BARRAZ 23
20 Cal.3d 675 "entrapment in of itself is not a constitutional violation, unless, the conduct was so
21 outrageous it violated due process" MIRANDA 384 US 436" turning off the verbal slate cutting
22 portions of the interrogation, and removing suspects invocation of rights is repugnant to the
23 constitutional command"; OHIO 426 US 610 (1976 "because it misrepresent the suspects
24 exercise of the right to silence and counsel" As described herein this act was deliberate, and
25 would have ever been discovered until IZOTOPE RX6 was designed. Please take notice of
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1 GSML report at page This points out that this incident occurred at least one time, making
2 it impossible to authenticate and does appear deliberate, strategic. **This act demands that this**
3 **case be vacated with prejudice, proving this conduct was intentional, and strategic, as such**
4 **petitioner should be release from custody today and sanctions placed against the district**
5 **asttorney office described herein.**
6

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8 **X. THERE ARE EXHIBITS ATTACHED HERETO**

- 9
- 10 • GS MEDIA LAB reports that include the report itself with pictorials, verbatim
11 phonetic transcript of the peoples exhibit 49 compact disc of the March 8, 2009
12 interrogation, and a compact audio disc of the actual recorded material
 - 13 • Legal research by CHAT GPT legal research -12 pages
 - 14 • Due diligence with trial and post-trial counsel regarding the peoples exhibits 49 &
15 49A
 - 16 • Government codes regarding this type of misconduct
 - 17 • CHAT GPT legal research on PUMA5 recorders and ability to create the peoples
18 exhibit 49 audio compact disc

19
20 **XI. SWORN DECLARATION BY JOHN HENRY YABLONSKY**

21 I John Henry Yablonsky an adult over the age of consent declare under the
22 penalty of perjury the following matters directly related to this case, these factual
23 allegations and evidences presented within this reply to the peoples

24 Entire case DR#1331036-07 H#85 100 Case#FVI900518

- 25
- 26 1. That I am not the actual killer in this case and was in Downey California
27 with several family members at the time this crime was committed, and I
28 gave detectives as well as a private investigator this information in 1985
sometime after this crime was committed

