

URGENT-PC1172.6

HC-001

Name: _____
Address: JOHN HENRY YABLONSKY
#AL0373-2309342444
9500 ETIWANDH
PC CA- 91739

CDC or ID Number: #AL0373

SUPERIOR COURT CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DIVISION

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

JOHN HENRY YABLONSKY
Petitioner BENEFICIARY
vs.
DISTRICT ATTORNEY JASON ANDERSON
Respondent REAL PARTY OF INTEREST

No. _____

(To be supplied by the Clerk of the Court)

FOR
FV1900518

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original of the petition and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

IN RE FRIEND II CAL 5TH @724

MCQUIGGINS V PERKINS 589 US 383
IN RE MILES 7 CAL 5TH 821 (2017)

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2018). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

WILSON II CAL 5TH @74 (2024) HABEAS/1172.6 APPROPRIATE

Page 1 of 6

FILED IN CONJUNCTION WITH PC1538.5
IN CONJUNCTION WITH VERIFIED PETITION PC1172.4

RELATED PC1172.6 PETITION PENDING

ILLEGAL RESTRAINT ACTUAL INNOCENCE

PENDING PC1172, 6

This petition concerns:

- A conviction Parole
- A sentence Credits
- Jail or prison conditions Prison discipline
- Other (specify): _____

1. Your name: JOHN HENRY YABLONSKY
2. Where are you incarcerated? WEST VALLEY DETENTION / CDCR
3. Why are you in custody? Criminal conviction Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

ILLEGAL CONVICTION OF PC 187, 190.2(a)(17)
IN VIOLATION EX POST FACTO
FELONY - MURDER

b. Penal or other code sections: PC 187-190.2(a)(17)

c. Name and location of sentencing or committing court:
SUPERIOR COURT CALIFORNIA
VICTORVILLE BRANCH
COUNTY SAN BERNARDINO

d. Case number: FVI 900518

e. Date convicted or committed: 2-3-11

f. Date sentenced: 3-12-12

g. Length of sentence: LWOP

h. When do you expect to be released? GRANT OF PETITION FACTUAL AND LEGAL INNOCENCE

i. Were you represented by counsel in the trial court? Yes No *If yes, state the attorney's name and address:*
PUBLIC DEFENDER DAVID SANDERS

4. What was the LAST plea you entered? (Check one):
 Not guilty Guilty Nolo contendere Other: _____

5. If you pleaded not guilty, what kind of trial did you have?
 Jury Judge without a jury Submitted on transcript Awaiting trial

PENDING 1172.6

PAGE 3

1 YABLONSKY VS JASON ANDERSON #FVI900518 IN RE MILES 7 CA5th 821(2017)

2
3 STATEMENT OF THE CASE

4 Petitioner was tried for PC 187 in 2011 under a now invalid theory of law for felony-
5 murder, changed as a result of senate bills 1437 & 775. The victim Rita Mabel Cobb dead body
6 was found in her home by her son on September 23, 1985, there were no witnesses to this
7 homicide. There was sixteen DNA profiles created from, the actual murder evidences found at
8 this scene, none of which matched John Henry Yablonsky. Yablonsky's DNA was found in a
9 non- incriminating matter and determined to be at least one and a half days older than Rita's
10 homicide, and unrelated to Rita's murder (RT 317, 491) (COA 17) (DSM 4;1) **THE DISTRICT
ATTORNEY'S OFFICE DOES NOT DISAGREE WITH THESE CONCLUSIONS TO
ANY DEGREE BECAUSE PETITIONERS DNA PREDATES THE ALLEGED CRIMES**

11 In this case the only evidence which incriminated Yablonsky is the statement evidence
12 which was illegally collected and then illegally altered until it was no longer petitioner's
13 statement but the district attorney's 'IMPRESSION' of what he needed Yablonsky to actually
14 say. Therefore this statement evidence was completely uncorroborated by the actual murder
15 scene evidence and is unlike real time recordings of the 4th amendment breach when detectives
16 interrogated Yablonsky outside MIRANDA. This statement evidence was used to motivate a
17 verdict. (DSM 3; 5-8) PC 1111 (RT33;16) During trial, at a time where it was impossible for
18 Yablonsky to verify and cross authenticate alleged redactions made by the district attorney
19 office, while the jury were lied to about the integrity of that statement evidence that had been
20 altered, but, the district attorney told them it was accurate and unaltered, deliberately misleading
21 them. (4th amendment) (MIRANDA) **THEY ALTERED YABLONSKYS ANSWERS**

22 These altering were done in such a way it violated protected rights, depriving Yablonsky
23 of access to exculpating defenses, and blatant planting of evidence into Yablonsky's possession
24 electronically. (RT403-DA-redacting what needs to be redacted by the district attorney he cannot
25 leave that up to anybody else?) (RT455; 4-DA- redacting Yablonsky's invocations) (RT455; 24-
26 DA- redacting the evidence until it sounded good to the district attorney) **(49A 44:23, 45:1)**

27 These redactions occurred on January 26, 2011 and while the trial was in progress.
28 Then the district attorney lied to the jury about accuracy of the transcripts so that he could
mislead the jury about voluntariness of the statement and willingness to go to the police station
and whether there was a valid reason for Yablonsky to lie about an extramarital affair. (RT508-
09) After manufacturing this evidence and lying about its integrity the district attorney then
sought courts instruction to use this evidence to determine who committed the crime and to what
degree. (RT569; 16) **YOU CAN DETERMINE WHO COMMITTED THIS CRIME AND
TO WHAT DEGREE BY THE STATEMENT EVIDENCE ALONE!**

THIS IS THE STATES ENTIRE CASE

NOTICE OF MOTION TO SUPPRESS OR STRIKE | PAGE

**THIS IS THE ONLY INCRIMINATING
EVIDENCE AGAINST YABLONSKY 3**

YABLONSKY v ~~SAN JUAN COUNTY~~ ~~COURT~~ FV1900518
JASON ANDERSON

GROUND ONE COURT LACKS JURISDICTION

PAGE 4

DUE PROCESS UNDER 14TH AMENDMENT VIOLATED DEPRIVING
COURT OF JURISDICTION WHEN DISTRICT ATTORNEY FAILED TO FILE
TRUE BILL WHEN AMENDING COMPLAINT ON AUGUST 6, 2009
(EXHIBIT AC)

ON MARCH 10, 2009 THE SBDO OFFICE FILED INFORMATION
ALLEGING PC 11927(C) THAT ALLEGEDLY JOHN HENRY YABLONSKY
COMMITTED HOMICIDE "A TRUE BILL" (EXHIBIT AC) AFTER
STATUTORY LIMITS EXPIRED THE DISTRICT ATTORNEY FILED AN
AMENDED INFORMATION/COMPLAINT ON AUGUST 6, 2009 (PC 8596).
THE DISTRICT ATTORNEY NEVER SIGNED NOR VERIFIED THE
AMENDED COMPLAINT PC 806, 1009 AS A RESULT THE
AMENDED COMPLAINT DEPRIVES THIS COURT OF JURISDICTION
BECAUSE THE INFORMATION WAS NOT SIGNED BY A

NATURAL PERSON OR VERIFIED, ORIGINAL COMPLAINTS STANDING
IN RE HARRIS 5 CAL.4TH 813 @ 838 (1993) "HARRIS RELIEF
PC 806, 1009 SALAZAR 226 CAL APP.2D 113, FERNANDEZ 216
CAL APP.4TH 540 (2013) DUE PROCESS WAS VIOLATED MCGEE 1ST
CAL. 3D 948 (1997) IN RE MILES 7 CAL5TH 821 (2017) SCHULP V
DFLG 513 US 298 (1995) PC 959(5) "DEFECTIVE ACCUSATORY
PLEADING DEPRIVES COURT OF JURISDICTION CCP 2015.5
(SALAZAR) PC 740, 959(3) THE INFORMATION MUST BE
A TRUE BILL BURNS V MUNICIPAL COURT 195 CAL2D 596
599 (1961) CAL CONST ART VI §10 JURISDICTION CANNOT BE WAIVED
NOR CONFERRED BY CONSENT GRIGGS V SUPERIOR COURT 16
CAL3D 341, 344A.2. AS A RESULT THE AMENDED INFORMATION
LACKS JURISDICTIONAL MERIT AND MUST BE STRICKEN FROM
THE RECORD AND ORIGINAL COMPLAINT NOW CONTROLS

GROUND TWO: FALSIFIED EVIDENCE PC 1473(b)(1)

DUE PROCESS 14TH AM US CONST. VIOLATED WHEN THE DISTRICT ATTORNEY DELIBERATELY ALTERED, FABRICATED EVIDENCE THEN KNOWINGLY USED IT TO MOTIVATE JURY INTO A VERDICT OF GUILT, AFTER LYING TO THE JURY THE EVIDENCE WAS ACCURATE AND ORIGINAL MEDIA (RT 508-509) (RT 455) (SEE EXHIBIT BC-CC) (RT 403) (RT 569/116)

ON JANUARY 26, 2011 DURING TRIAL DDA JOHN THOMAS TEE STATES EVIDENCE HOME, ALTERED IT, REDACTING OVER TWENTY THREE PAGES FROM VARIOUS ^{KEY} LOCATION, REDACTING OVER FIFTY FIVE MINUTES FROM VARIOUS KEY LOCATIONS, SO THAT IT WOULD DESTROY EXCULPATING EVIDENCE, CREATE INCRIMINATING EVIDENCE AND MISLED FACT FINDERS TO BELIEVE YABLONSKY INTERROGATION WAS WILLING, WAS NOT COERCED. REMOVING CUSTODIAL MARKER TO SUGGEST YABLONSKY VOLUNTEERED TO GO TO POLICE STATION, REMOVING INVOCATION DEPRIVING ACCESS TO COUNSEL, REMOVING PETITIONERS REASON TO LIE, THEN ALTERING PETITIONERS ANSWERS TO POLICE INCRIMINATING EVIDENCE INTO PETITIONERS POSSESSION, THEN PRESENTED THIS EVIDENCE TO THE JURY AS IF IT HAD NOT BEEN ALTERED, SWEARING IT WAS ACCURATE, ORIGINAL MEDIA, ASKING THE COURT TO TELL THE JURY TO USE THIS EVIDENCE TO DETERMINE GUILT

THIS CASE MUST BE DISMISSED

PC 132, 134, 135 PC 1473(b)(1), 1473(b)(3)(A) DUARTE 24 CAL 4TH @ 618

BRADY 373 US @ 87, NADIG 360 US @ 269, BENEN 13 CAL 4TH @ 135-136

CA EV 1400-1402, 1521 HOUSE V BELL 547 US 58 (2006) IN REMILES 7 CAL 5TH 821 (2017) IN RE SASSUNIAN 9 CAL 4TH @ 548 (1995)

SCHULP V DELC 513 US 298 (1995) IN RE RICHARDS 55 CAL 4TH @ 960

IN RE WINSHIP 397 US 358 (1970) JACKSON V VIRGINIA 443 US 307 (1979)

CR PC 5-200(A-B) CHILL 5 CAL 4TH @ 510 "ACTIONS OUTSIDE ADOCCACY ROLE"

(EXHIBIT BC-CC) THIS INFORMATION RECENTLY AVAILABLE

IN RE HILL 104 CAL APP 5TH 804 (2024)

DUE PROCESS VIOLATION OF CALIFORNIA CONSTITUTION ART I §9 VIOLATING EX POST FACTO UNITED STATES CONSTITUTION ART I §9(3), 10 U VIOLATING EX POST FACTO WHEN THE DISTRICT ATTORNEY FILED A COMPLAINT FOR A 1985 HOMICIDE UNDER PROSPECTIVE LAWS PURSUANT TO PC 190.2(a)⁽¹⁷⁾, PC 190.41 WHICH DID NOT ENACT UNTIL JUNE 5, 1990 CAUSING IRREPARABLE CONSTITUTIONAL INJURY THIS CONVICTION MUST BE VACATED (SEE EXHIBIT AC)

ON AUGUST 6, 2009 THE DISTRICT ATTORNEY FILED AN AMENDED COMPLAINT FOR A 1985 HOMICIDE UNDER PC 190.2(a)(17) WHICH DID NOT ENACT UNTIL 6-5-9. ACCRIMINATING SENTENCING STRUCTURES, REDUCING BURDENS OF PROOF UNDER MURDER TO FELONY-MURDER AND ILLEGAL USE OF PC 190.41 IN A ~~FELONY~~-MURDER CASE, CHANGING SENTENCING FROM POSSIBLE LIFE IN PRISON TO LIFE WITHOUT POSSIBILITY OF PAROLE, CHANGING BURDENS OF PROOF FROM REQUIREMENT TO PROVE FELONY ELEMENTS AS WELL AS HOMICIDE ELEMENTS TO NOT REQUIRING ANY PROOF WITH THE USE OF DEFENDANT'S EXTRAJUDICIAL STATEMENT. THIS AMENDING WHICH OCCURRED BEYOND STATUTORY LIMITATIONS PC 859b(b)(6) TO DELIBERATELY ESCAPE EVIDENTIARY BURDENS IN A CASE THERE WAS NO ACTUAL PHYSICAL EVIDENCE INCRIMINATING YABLONSKY, VIOLATING EX POST FACTO VIOLATING CALDER FACTORS. THIS ACT DEPRIVE THE COURT OF JURISDICTION (THIS CASE MUST BE DISMISSED)

CHARMELL 529 US @ 522 (2000) MURTISHAW 29 CAL.3d 733 (1981)
DANIELS 52 CAL.3d 815 (1991) VIOLATING EX POST FACTO RETROACTIVELY APPLYING LAWS THAT ALTERED LEGAL RULES OF EVIDENCE, DIMINISHING JURORS NEED FOR UNANIMITY, FERNANDEZ 216 CAL APP 4TH 540 FAILURE TO GIVE PROPER AND FAIR NOTICE. PC 190.4 PERMITTING USE OF UNCORROBORATED STATEMENTS CAL CONS ART 1 §9 U.S. CONST ART 1 §10, 9(3) YOUNGBLOOD 497 US @ 42 (1990) ALTERING LEGAL STANDARDS. SUPERIOR COURT (LARA) 4 CAL.5TH 299 @ 314 "COURT MUST APPLY THEN EXISTING LAW CALDER 3 US (3DALL) 386 (1798) JORDAN 19 CAL APP 3D @ 369 (1971) SMITH 1 CAL APP 3D @ 100 (1971)

GROUND 4

YABLONSKY V ~~STATE OF CALIFORNIA~~ JASON ANOSSON PAGE 7
FV1900518

DUE PROCESS VIOLATION OF CALIFORNIA CONSTITUTION
ART I § 1, ART I § 28(F)(2), ART I § 7(a) U.S. CONSTITUTION
14TH AMENDMENT WHEN THE DISTRICT ATTORNEY KNOWINGLY, DELIBERATELY
DAMAGED, DESTROYED EXCULPATING EVIDENCE DURING FELONY MURDER
TRIAL THESE DESTRUCTIONS HID FROM TRIAL COUNSEL AND TRIAL COURT
~~FACTS~~ THIS FACT WAS DISCOVERED ON MARCH 14, 2025 THIS IS AN LWOP CASE

FACTS
ON MARCH 8, 2009 YABLONSKY WAS ILLEGALLY INTERROGATED OUTSIDE
MIRANDA. ON JANUARY 26, 2011 THE DISTRICT ATTORNEY ALTERED THE
INTERROGATION RECORDING, DESTROYING EXCULPATING EVIDENCE AND
HIDING EVIDENCE FROM YABLONSKY SO HE CANNOT AUTHENTICATE
THE TRANSCRIPTS CREATED ON JANUARY 26, 2011 AND USED TO
MOTIVATE A JURORS OPINION IN A FELONY MURDER TRIAL. THE
DISTRICT ATTORNEY'S INTENTIONAL ACT VIOLATED PC 132, 134, 135
AS WELL AS CRPC 5-200(A-B) THEN HID THESE ALTERATIONS FROM
THE DEFENDANT'S RIGHT TO TRUTH IN EVIDENCE, HID THE ORIGINAL
RECORDINGS TO PREVENT FULL AND FAIR HEARINGS OR DIRECT
APPEAL. ON MARCH 14, 2025 THE DISTRICT ATTORNEY ADMITTED
THE STATE'S "STATEMENT EVIDENCE WAS DESTROYED" (RT 408, 488
EXHIBITS 49 + 49A CREATED ON 1-26-11)

LAW OF THE MURDER (SEE EXHIBIT B6-C0)
TROMBETA 467 US @ 485 "DUTY TO PRESERVE EXCULPATING EVIDENCE"
YOUNG BLOOD 488 US @ 57 (1988) "DESTRUCTION IN BAD FAITH" (RT 403, 455,
508) BRADY V MARYLAND 373 US 83 (1963) "DESTRUCTION OF EXCULPATING
EVIDENCE IS UNCONSTITUTIONAL" COLLINS 506 US 390 (1993) "RIGHT TO
PRODUCE DISCOVERABLE EVIDENCE" BELL 547 US 58 (2006) "DESTRUCTION
WAS SIGNIFICANT" DELO 513 US 298 (1995) "DESTROYING TRUTH BEFORE
IT IS FOUND IN COURT ROOM" GONZALEZ-LOPEZ 548 US 140 (2006) "THIS
LEVEL OF ERROR RENDERS JUDICIAL PROCESS UNFAIR AND GUILTY BEHAVIOR"

BRADY 373 US @ 87
(PLEASE TAKE NOTICE) (PC 1172.6 PROCEEDINGS FV1900518) WILLIAMS
167 CAL APP, 4TH 1215 (2008) (CONTROLLING) IN RE MILES (CITATION)
SUPERIOR COURT (COUNTY) 12 CAL 4TH 1215 (2008)

GROUND FIVE

4TH AMENDMENT VIOLATION

PAGE 8

ON MARCH 4, 2009 SBSD OBTAINED PROBABLE CAUSE WARRANT ISSUED BY THE HONORABLE JUDGE ERIC NAKATA TO ARREST JOHN HENRY YABLONSKY FOR THE MURDER OF RITA MARCEL (CBB) ON MARCH 8, 2009 FOURTEEN COPS FROM THREE AGENCIES INTERROGATED YABLONSKY WHILE UNDER DETENTION AND ~~IN~~ CONSTRUCTIVE ARREST WITHOUT GIVING PROPER MIRANDA WARNINGS. YABLONSKY REPEATEDLY TRIED TO INVOCATE MIRANDA THAT WAS IGNORED. THE INTERROGATION WAS RECORDED. THE RECORDINGS ILLEGALLY REDACTED INVOCATIONS AGAINST ~~THE~~ YABLONSKY'S INTERESTS. (RT 455;4) (RT 455;24) (SEE EXHIBIT A ALREADY FILED-WARRANT) (SEE EXHIBIT CC)

CAL(COURT ART I § 28(F)(2) PETITIONER ENTITLED TO TRUTH IN EVIDENCE LAINA 34 C3D@722 "DUE PROCESS DISCLOSURE OF FAVORABLE EVIDENCE-IZAZAGA 54 C3D 356 (SAME) ELSTAD 470 US 298 (1985) "FAILURE TO ADMONISH REQUIRES SUPPRESSION" (NGUYEN @ 1076 NEAL 31 CAL 4TH 63 (2003) "INVOLUNTARY STATEMENT MUST BE STRICKEN" (384 US @ 444) (384 @ 457) MESSIAH 377 US 201 (1964) MIRANDA ERROR CANNOT BE USED IN PROSECUTOR'S CASE IN CHIEF (384 US 436) NEAL 31 CAL 4TH @ 68 "COERCE ADMISSION INADMISSIBLE (1978) PEEVY 17 CAL 4TH @ 1205. MIRANDA WAS REQUIRED, BUT BLATANTLY IGNORED. (SEE EXHIBIT CC) THE STATEMENT MAY NOT BE USED TO PROVE INELIGIBILITY AND MUST BE STRICKEN FROM RECORDS (CASE FURTHER)

8. Did you appeal from the conviction, sentence, or commitment? Yes No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"): 4TH DISTRICT APPELLATE COURT

b. Result: DENIED c. Date of decision: 2014

d. Case number or citation of opinion, if known: F055840

e. Issues raised: (1) THESE ISSUES WERE UNDISCOVERABLE UNTIL 1-16-2016
(2) MARCH 14, 2025 WHEN THE DISTRICT ATTORNEY NOW
(3) ARGUES THESE EVIDENCES HAVE BEEN DESTROYED

f. Were you represented by counsel on appeal? Yes No If yes, state the attorney's name and address, if known:
RICHARD LEVI OUT OF APPELLATE DEFENDERS

9. Did you seek review in the California Supreme Court? Yes No If yes, give the following information:

a. Result: DENIED b. Date of decision: 2014

c. Case number or citation of opinion, if known: UNK

d. Issues raised: (1) THESE ISSUES COULD NOT HAVE BEEN DISCOVERED UNTIL
(2) AFTER RIGHT TO FAIR APPEAL FAIR REVIEW WERE
(3) ABOLISHED BY MISCONDUCT

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal (see *In re Dixon* (1953) 41 Cal.2d 756, 759):

THE ENTIRE RECORD DID NOT BECOME AVAILABLE TO THOROUGHLY DEVELOP
UNTIL PC 1172.6 PROCEEDING, AFTER PC 1054.9 MOTIONS, AFTER
STATE BA COMPLAINTS

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.) Explain what administrative review you sought or explain why you did not seek such review:

b. Did you seek the highest level of administrative review available? Yes No
Attach documents that show you have exhausted your administrative remedies. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court, including this court? (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 and *In re Miller* (1941) 17 Cal.2d 734, 735.)
 Yes If yes, continue with number 13. No If no, skip to number 15.

MCQUIGGINS V PERKINS 569 US 383
IN RE FRIEND II CAL 5TH @ 724

DISCOVERY DATE 3-14-25

HOW THIS RELIEF PROVES

PAGE 10

ACTUAL INNOCENCE

IN THE UNIVERSE OF LAW THE THRESHOLD OF ACTUAL INNOCENCE IS AN EXTRAORDINARY BURDEN RARELY ACHIEVED. THIS IS PRECISELY THE ISSUE OF THIS CASE NOW BEFORE THE COURT. NOT ONLY IS THE ZERO EVIDENCE OF INCRIMINATING POWER AGAINST MR YABLONSKY, THE STATE CLEARLY KNEW THIS WHEN THEY ORIGINALLY FILED CHARGES, THEN REFUSED ACCESS TO ALIBI WITNESSES WHO WOULD HAVE GIVEN CREDIBLE TESTIMONY THAT WAS IN LINE WITH THE STATES "ACTUAL EVIDENCE". THAT JOHN HENRY YABLONSKY IS NOT WITHIN 100 MILES OF RITA MARCEL COBBS RESIDENCE FROM NO LESS THAN TWO DAYS PRIOR TO HER HOMICIDE, UNTIL THREE DAYS AFTERWARD. (COA 17) (DSM 4:1) (RT 317) THEREFORE IT WOULD BE PHYSICALLY IMPOSSIBLE FOR MR. YABLONSKY TO HAVE COMMITTED THESE ALLEGED CRIMES, CALIFORNIA'S "ACTUAL EVIDENCE" DOES NOT DISAGREE WITH THIS CONCLUSION. KNOWING THIS GOING IN, THE COUNTY DISTRICT ATTORNEY UTILIZED HIS ADMINISTRATIVE POWERS, AND DIGITAL/TECHNICAL EQUIPMENTS IN HIS OFFICE AND HOMES TO MAKE DIGITALLY INACCURATE EVIDENCE THAT WOULD BE USED TO MISINFORM THE ^{JURY} PEOPLE OF FACTS THAT WEREN'T IN LINE WITH CALIFORNIA LAW, TO PLACE A BLANKET OF ILLEGAL SUSPICION UPON MR. YABLONSKY IN SUCH A WAY HE SUPERFICIALLY APPEARED GUILTY. USING THIS FALSE EVIDENCE THE STATE PROSECUTOR THEN DELIBERATELY AND STRATEGICALLY LIED TO A PANEL OF FACT FINDERS UNTIL THEY BELIEVED THE FALSE EVIDENCE HAD NEVER BEEN ALTERED. THE STATE PROSECUTOR THEN ILICITED THE POWER OF THE COURT TO ILLEGALLY AND COERCIVELY INSTRUCT THE PANEL OF JURISTS TO USE THE FALSELY IMPRESSIONABLE EVIDENCE TO CONVICT MR YABLONSKY FOR THESE CRIMES IN THE FACE OF THE COMPELLING FACT "THERE IS NO OTHER EVIDENCE". THERE IS NO OTHER EVIDENCE BECAUSE MR. YABLONSKY IS NOT YOUR KILLER.

YABLONSKY V JASON ANDERSON FV1900518

VERIFICATION

I JOHN HENRY YABLONSKY AN ADULT, PARTY TO THIS ACTION DECLARE THE FACTS STATED IN THIS PETITION, EVIDENCES PRODUCED WITH THIS PETITION IS TRUE AND ACCURATE ACCORDING TO BELIEF AND KNOWLEDGE I DECLARE THIS UNDER PENALTY OF PERJURY

MAY 2 2025


JOHN HENRY YABLONSKY

PRAYER FOR RELIEF

- ✓ 1) THE COURT ISSUE AN ORDER TO SHOW CAUSE
- ✓ 2) THE COURT HOLD AN EVIDENTIARY HEARING
- ✓ 3) THE COURT GRANT RELIEF AND VACATE THIS CONVICTION
- ✓ 4) ORDER THE IMMEDIATE RELEASE OF PETITIONER
- ✓ 5) ORDER SANCTIONS AGAINST THE DISTRICT ATTORNEY OFFICE
- 6) ANY OTHER RELIEF THIS COURT DEEMS APPROPRIATE AND NECESSARY IN THE INTEREST OF JUSTICE
- ✓ 7) RESULTS OF THIS PETITION TO BE APPLIED TO PETITIONERS PC1122.6 ELIGIBILITY

MAY 2, 2025


JOHN HENRY YABLONSKY

PENDING 1172.6

- 13 a. (1) Name of court: ACTUAL DISPUTE ON THESE ISSUES
 (2) Nature of proceeding (for example, "habeas corpus petition"): _____
 (3) Issues raised: (a) WAS NEVER MENTIONED UNTIL DISTRICT
 (b) ATTORNEY PRODUCED ENTIRE TRIAL RECORD
 (4) Result (attach order or explain why unavailable): CHECK RECORD TO DEVELOP ANY
 (5) Date of decision: AUTHENTICATE DURING PC 1172.6 PROCEEDING
- b. (1) Name of court: AND EXPERTS ANALYSIS BY EXPERTS
 (2) Nature of proceeding: PRIVATE INVESTIGATOR VERIFY REPORTS
 (3) Issues raised: (a) ATTACHED HEREIN WITH SUPPORTING
 (b) EXHIBITS
 (4) Result (attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
WHCSS/200311, 5274799

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
AS AN INDIGENT INMATE RESOURCES WERE NEVER AVAILABLE WHILE THE TRIAL COURT HELD ACTIVE JURISDICTION, WHICH IN THIS CASE IS PC 1172.6 PROCEEDINGS WHERE THE DISTRICT ATTORNEY PROVIDED ENTIRE RECORD

16. Are you presently represented by counsel? Yes No If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? Yes No If yes, explain:
PETITION TO VACATE JUDGMENT UNDER PC 1172.6 BY SB 1437 AND 725 PC 1172.6(A)(3) THAT IF THE PETITIONER WAS TRIED TODAY THE DISTRICT ATTORNEY COULD NOT CONVICT YARBENBY OF 1ST DEGREE MURDER

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
IT IS AT THIS TIME PETITIONER MOVES THE COURTS FOR AN ORDER TO SHOW CAUSE, GRANT HABEAS RELIEF AND VACATE THIS CONVICTION ENTIRELY AS OUTLINED WITHIN THIS PETITION'S DEMAND FOR RELIEF

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 5-2-2025

John Henry Yarbensky
(SIGNATURE OF PETITIONER)

PAGE 10
12

AC

EXHIBIT COVER PAGE



Description if this exhibit:

ILLEGAL AMENDING INFORMATION
PC 806, 1009 EX POST FACTO (CALDER)

Number of Pages to this exhibit: 4 Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT FV1900518
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

MAR 10 2009

THE PEOPLE OF THE STATE OF CALIFORNIA,)
Plaintiff) COURT CASE NO. JAVINE THREET, DEPUTY
vs.)
John Henry Yablonsky)
Defendant) DA CASE NO 2009-00-0013497

FVI 900518

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about September 20, 1985, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by John Henry Yablonsky, who did unlawfully, and with malice aforethought murder Rita Maribel Cobb, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

ONLY
P.C.
187
MURDER
12

CI

13

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 1 COUNT(S).

Executed at San Bernardino, California, on March 9, 2009.

DECLARANT AND COMPLAINANT

Agency: SB Sheriff Homicide Division

Prelim Est. 00:00

Defendant
John Henry Yablonsky

Birth Date

Booking No.

CII No.
A07244737

NCIC

Complaint DA CASE NO: 2009-00-0013497

Page 2

C-2

AUG 06 2009
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

John Henry Yablonsky

Defendant

COURT CASE NO FV1900518

INFORMATION

Arraignment Date: 08/11/2009

Department: V2

DA CASE NO 2009-00-0013497

INFORMATION
SUMMARY

Ct. No.	Charge	Charge Range	Defendant	Special Allegation	Alleg. Effect
1	PC187(a)	Check Code	John Henry Yablonsky	PC190.2(a)(17)	LWOP/Death

The District Attorney of the County of San Bernardino, by this Information alleges that:

COUNT 1

On or about September 20, 1985, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by John Henry Yablonsky, who did unlawfully, and with malice aforethought murder Rita Mabel Cobb, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

It is further alleged as to count 1 that the murder of Rita Mabel Cobb was committed by defendant John Henry Yablonsky while the said defendant was engaged in the commission of and/or the attempted commission of the crime of rape in violation of Penal Code Section 261.

Page 1

Information DA CASE NO: 2009-00-0013497

~~EXHIBIT I~~ - Information

~~(AUG 5) 2009~~

CR

ENACTED 6-5-90
19C.2(a)(17)
VIOLATES EX POST FACTO

INCREASE SENTENCE
REDUCE EVIDENTIARY

EX POST

FACTO
PC 190.2(a)(17) DID
NOT EXIST UNTIL
JUNE 5, 1990
FELONY MURDER

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY
Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY
The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

THIS INFORMATION CONSISTS OF 1 COUNT(S).

MICHAEL A. RAMOS
DISTRICT ATTORNEY
County of San Bernardino
State of California

By: John Thomas
John Thomas
Deputy District Attorney

Filed in Superior Court,
County of San Bernardino

Dated: _____

DC
806/1009
SALA ZA RZ
CITATION (OMMITTED)

NEVER
SIGNED
BY NATURAL
PERSON OR
VERIFIED ON

19

E-3

BC

EXHIBIT COVER PAGE



Description if this exhibit:

ALTERED ANSWERS IN
EXHIBIT 49A

Number of Pages to this exhibit: 3 Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

MUST SEE REPORT BY
INVESTIGATOR NAUM WARG
FILED WITH MAY 9, 2025 SUPPRESSION MOTION

MUST SEE
INVESTIGATORS
REPORT EXHIBIT CC
ATTACHED HERE

ACCORDING TO RECORDS
49 + 49A WERE EARLY
ALIKE IN AUDIO+TEX

NOW 49 IS NOTHING LIKE
49A. 23 PAGES DIFFERENT
50 MINUTES DIFFERENT

WHERE IS THE 1-26-11
49-45 COPIES?
BRADY - FRAUD UPON COURT
PC 134-135

INSTEAD OF THE 1-26-2011 VERSION
BEING PLACED INTO RECORD DBA THOMAS
BRIT & SWITCHED EVIDENCE
WHAT EXISTS ON THE RECORD
NOW IS A DIFFERENT COPY
MADE ON 11-23-10

1-26-2011 TRANSCRIPT
PLACED INTO RECORD
1-27-2011

I-1

49A

EXHIBIT #
CASE #: FV1900518
CASE NAME: PEOPLE-V-YABLONSKY, JOHN
DATE: 1-27-11
DATE ENTERED: 1-27-11
BY: [initials]

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

*Drug use
I in
Germany
cap interp
no record
P120
we know
100% you
killed her -
indispute
evid.
P124
El Paso
126*

1 Interviewer: Det. Greg Myler

2 Interviewer: Det. Rob Alexander

3 Interviewee: John Yablonsky

4

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
8 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
19 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,
27 c'mon.

NOTICE

Page 1 of 136

#A1672 November 23, 2010

Reviewed by Det. Rob Alexander

B2 B6 IB 12/2

26/28

COPY OF STATE EXHIBIT 49A ~~18A~~ 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.

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

7 RA: The following interview will be reference to case number 07-88. (overlapping
8 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
19 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,
27 c'mon.

28

Page 1 of 113

Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

B1

D-5

NOTICE

B101

18

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 of

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

FROM "NO" TO "UM YEA" 1-7-25 SEC

ALTERED FROM [NO] AUDIO + VISUAL

TO "UM, YEA" SEC EXHIBIT 4 CD

SAFE EXHIBIT 4

ALTERED ANSWER

164 19 FE

67

FROM YES CHG DTD
TO "NO" 1-7-2005

INTERVIEW WITH JOHN YABLONSKY STATE

DR #1531933-07 / H #1985-100

1-27-05 2:55 SEC. E-1, B-1 4/1
(v) Rita Cobb

CHANGED ANSWER
FROM YES
TO NO

1 JY: No

2 RA: Did she have a passkey to your apartment? [YES SHE DID] ALI [REDACTED] AUDIO + VISUAL

3 JY: No

4 RA: So it would not be common for her to go over to your apartment though, right?

5 When you guys were living there she just wouldn't. . . .

6 JY: She was thoughtful.

7 RA: And you guys wouldn't go over to her house obviously because it's two separate

8 houses.

9 GM: Does she have any pets?

10 JY: I think she had a dog.

11 RA: What kind of dog?

12 JY: (Inaudible)

13 RA: You don't remember? Was it a big dog or a small dog or

14 JY: I don't remember you know I mean honest it's

15 RA: Did it have a dog house? Was it a outside dog? An inside dog?

16 JY: I don't remember.

17 RA: Excuse me?

18 JY: I don't even remember.

19 RA: Ok.

20 GM: Now what about the pistachio place? We talked to some people up there. Maybe

21 he might be able to help us on that.

22 RA: Yeah, um, there was a couple other pista- - or couple of other people that we

23 talked to that lived at the pistachio farm. I'm thinking it's out this way cause you

24 said Big Bear's over here.

25 JY: Yeah.

26 RA: So. . . .

27 GM: Is 18, does that take you to Big Bear?

ALFREDO FROM
[YES SHE DID] AUDIO + VISUAL
TO [NO] SEC CD DISC
EXHIBIT 4/15

1477

1-8

(ES) 20

COMPLETE REDACTION
OF "TWO MINUTE CUSTODIAL"
? WHERE IS IT
AT ?

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

1 think some things that we're gonna talk about are gonna be a little bit private,
2 embarrassing and I just wanna make sure that we're in a comfortable location um,
3 kind of away from your wife. Do you mind going with us?

REDACTED

4 JY: Where are we going?

5 RA: Go down to Signal Hill police department so we can sit down there and talk.

6 JY: I guess so.

7 RA: I appreciate it.

8 JY: I mean I'm now like a suspect, suspect on this thing or what?

9 RA: Well we're talking to everybody trying to get as much information as possible John
10 and um, sometimes we have to ask personal questions and

11 GM: You got your family sitting right there. (overlapping conversation)

12 RA: Your family's right there and we don't wanna cause any type of embarrassment.

13 JY: I don't think there is gonna be any kind of complications.

14 RA: I think it would be just be better if we did it kind of back at the station as opposed
15 to right here. And you have been very cooperative with us talking to us right now
16 and um

17 JY: Hey Mel, Melody?

18 GM: Hi, how are you?

19 UN: (Inaudible)

20 RA: Hi.

21 UN: (Inaudible) Uh, here Montana.

22 UN: Montana here.

23 GM: That's him huh? He's big.

24 RA: He looks like a big friendly dog.

25 JY: Was, was killed and they are trying solve the case and they wanna just ask. . . .

26 UN: Who?

27

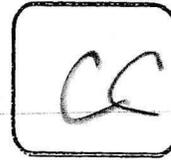
28

COMPLETE REDACTION
MISSING
2 MINUTE
CUSTODIAL
ARGUMENT
BEING FORCED TO POLICE
STATION INSTEAD OF
NON-CUSTODIAL
MIRANDA
VERIFY
(EXHIBIT A)

I-6

CC

EXHIBIT COVER PAGE



EXHIBIT

Description if this exhibit:

EXPERT INVESTIGATOR
NAUM WARE

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT FVI900518
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

AVAILABLE FOR ORAL TESTIMONY

Naum Ware

Investigation Services

NWIS
P.I. #27647
2230 Malcolm Ave
Ontario, CA. 91761
(909) 935-5818

People vs. Yablonsky, John
Case # FVI900518

This is an old case where the defendant, Yablonsky, was charged with the murder of his landlord back in 1985. After numerous years of investigation landing nowhere, suddenly two detectives landed on D-Yablonsky's doorstep to question him in re the murder.

The two detectives, **Greg Myler** and **Rob Alexander**, made it clear they were only there to question D-Yablonsky. At no time did they read him his Miranda rights, even for precaution. I checked both the transcripts and the audio to ascertain if I missed it, but there was no Miranda ever given.

It should be noted that most experience investigators will give Miranda even if they do not intend to arrest, just for precaution, but these alleged experienced detectives from San Bernardino did not even do that.

These detectives asked question after question trying to make D-Yablonsky feel comfortable but never telling him that he was basically subject to arrest, and his house was going to immediately be searched.

I am going to reiterate later in this report, but please note these detectives used a ruse, an illegal ruse to get D-Yablonsky to talk. Once they wanted to leave his house and go to Signal Hill PD, D-Yablonsky protested and asked where are we going?

The detectives said, "We want to get you away from your wife, again, no Miranda, and never telling him, he was essentially under arrest. They asked him if he minded and he said why, they said simply to talk, they never mentioned arrest.

At this point D-Yablonsky was under arrest but never given his Miranda rights. He was not detained, he was under arrest, he just simply was not told this to cajole as much information from him as possible.

Let me use some words here that occurred so you get the picture very clear. The detectives patronized D-Yablonsky. They beguiled him. They flattered him. They made ingratiating remarks. They manipulated D-Yablonsky.

They exploited him by being duplicitous. They were sneaky and deceptive to coax him to talk. They wooed him, sweet talked him, used surreptitiousness, to get what they wanted from D-Yablonsky.

These two detectives were underhanded, clandestine, disingenuous, and devious. On top of it all, it was all illegal simply because D-Yablonsky was never Mirandized. These detectives knew better, but they did not care. They were on a mission. In fact, later at the Signal Hill police department when they finally told D-Yablonsky that he was under arrest, he said, "I want an attorney.

They never provided him with an attorney and kept on asking him questions, and still did not mirandize him. Then they started to berate him because he would not cop out and agree that he killed the victim, Rita Cobb. They started calling him a monster and asking even more questions.

Every cop knows that once a defendant says they want an attorney, you're done, no more questions, but these two were attempting to force D-Yablonsky to agree with their assessment of the crime. They kept talking about evidence they had but never showed any. It was simply to get D-Yablonsky to fold, which he did not, he kept telling them he would never hurt Rita, and this upset them.

This was outside of department policy and the law. These detectives went to John Yablonsky's house to arrest him. First, they wanted to trick him into talking, but it did not work so they got mad and started threatening him by saying we are going to tell your wife what you did. We are going to tell your father and your children what you did. What are they going to think of you?

D-Yablonsky had already told them over ten times he never had a relationship with Rita other than landlord/tenant. Yet, these two detectives asked him over and over again, the exact same questions and Yablonsky answered them the same way each time.

These two detectives even admitted there were missing reports in this case, yet continued to berate D-Yablonsky after he would not cop out to something he told them over and over he did not do.

D-Yablonsky made it clear that he did not socialize with Rita, nor did his wife at the time. He made it clear he didn't really know her other than as a landlord. Yablonsky made it clear he did work on her house, so of course he has been in her house on numerous occasions fixing sinks, doors and such.

To find his fingerprints or DNA in her house would be expected, she called him to do numerous small projects for her. These detectives wanted to know v-Rita's social life as if D-Yablonsky knew it. When he said he did not know, they told him what it was, then wanted to know if he agreed. They wanted to feed him the answers they wanted then claim he said it. This was simple subterfuge.

There were so many opportunities to Mirandize D-Yablonsky, but the detectives had no intention of doing that. In fact they even said on the radio that they were transporting him to the Signal Hill PD and on standby for the search warrant. This proves that arrest was on the radar from the beginning.

All of the small talk used at D-Yablonsky's house, even in front of his current wife, Melody, was disingenuous. These detectives did their best to trip D-Yablonsky up, but he kept answering the same question over ten times the same way. Still without Miranda warning, the detective would get right back to asking the same question, did you have a relationship with V-Rita. Answer, No.

Did you kiss V-Rita? NO! Did you have sex with V-Rita? NO! You are much younger than her did, she like young guys; that's okay you know? Yablonsky, said I don't know what she liked.

The detectives, then without Miranda, asked Yablonsky about his previous drug use and arrest back in the 80's and 90's. This was done to intentionally later on accuse him of doing the act of murder on Rita while he was high; again, subterfuge.

This was a horrible, sidetracked investigation that violated so many laws and department policies its ridiculous. These detectives tried every which way to trip Yablonsky up, by drug talk, by talking about problems with his previous wives, by any means necessary. They even said perhaps you got with Rita because you and your wife were not getting along, intentionally screwing up the dates Yablonsky gave them of problems with each previous wife.

The whole line of question and method by these detectives was unprofessional and illegal. They went from questioning his wives to his siblings, and his mother and father. When Yablonsky asked them why they were questioning him with the same stuff over and over, they ignored him and continued.

They were not interested in Yablonsky's army time, they wanted to know his state of mind hoping it led to anger and murder. When he would not cop out, they then literally accused him of being in a horrible state of mind back then due to the armed service and his wives.

These detectives literally accused D-Yablonsky of having a relationship with Rita behind his wife's back simply because that is what the first wife was doing to Yablonsky. They accused him of doing it for payback.

No matter what D-Yablonsky said, the detectives twisted it around like "schoolgirls on social media". They wanted to get their way with D-Yablonsky and when he would not agree, they got aggressive and still without Miranda.

These detectives cajoled D-Yablonsky and his wife Melody, to the police station without telling either of them that Yablonsky was actually under arrest.

They talked about D-Yablonsky working with nuclear missiles and the training involved. This was not their interest; it was to act as if they were listening to him but to really get him to agree with them about what occurred with Rita. This was beyond patronizing and subterfuge; this was pathetic police work.

After the arrest, they told D-Yablonsky they had his DNA in her house. Of course it was there, he worked in there on numerous occasions at Rita's request. They made it appear as if it was only there because he illegally entered the location and killed Rita. Then when Yablonsky denied any of this, they started getting loud and accused him of being a liar and a monster like other arrests they have made of murderers.

Now listen to this, they have already told him he is under arrest. They still did not mirandize him but continued to ask questions. Why?

They then threatened and cajoled D-Yablonsky because he kept denying ever hurting Rita. They said, "no you didn't hurt her you killed her." Wow! You did it while you were high. You were a horrible person back then doing horrible things and perhaps you just didn't realize what you did.

Wow! Still no Miranda, even after the defendant emphatically said, we don't need to talk anymore, I want an attorney.

These detectives even tried the sympathy card, saying, "we saw you when you looked at her photo". We could tell by the look in your eyes that you did this. Are you even serious here? They told D-Yablonsky he did this because of the amount of stress he had in his life at the time.

They kept telling D-Yablonsky they had the evidence to prove it but never showed any of it. These detectives then took an even lower road and accused him of raping women in the past and saying they would testify against him.

So let me get this straight. Simply because this defendant will not go along with your theory of who killed Rita, you now accuse him of rape from the past and threaten to use those alleged victims against him in this case? Wow!

They literally kept bringing up his previous arrest and prison time to convince him to confess to something he did not do and told them over and over again, he did not do this.

You would think it would stop here, but no, these detectives kept going. They said, just tell us it was an accident, John Yablonsky, we'll take that. Wow! You had a bad wife then, and you were on drugs... Again, D-Yablonsky said, I did not hurt that lady, and again one of the detectives said, no you killed her. Wow!

Over and over again they went at D-Yablonsky, still with no Miranda even though now he even asked for an attorney. They literally said, "you are forcing us, we are not going away." We are going to tell everybody.

D-Yablonsky then said can I just go smoke and cigarette and call my wife, and the detectives said no! So essentially, Yablonsky was detained against his will and then after numerous questions over and over again, he was finally told he was under arrest, then told we are searching your house right now.

Furthermore, I just want to add the level of deception we are dealing with from these detectives to drive the point home.

Exhibit 49a, specifically at 1hr, 7m, 15s into the audio where Yablonsky's answers to the question whether he had the key to Rita's house. He clearly said "no", yet the transcript, Exhibit 49a, page 44, line 23, the answer was transcribed as "um ya".

Also, at 1hr, 7m, 25s, into the audio, Yablonsky was asked whether Rita had a key to his house and the audio clearly says, "yes she did", yet in Exhibit 49a, page 45, line 1, Yablonsky's answer was transcribed as "no"

These incorrect transcriptions gave the jury the wrong impression that Yablonsky kept a key to Rita's house with the intention to commit a crime.

Because the transcript is so contradictory, to the actual audio answers, it appears fraudulent.

Last but not least, States Exhibit 49a is at least 50 minutes shorter than States Exhibit 49. It would be impossible for anyone to be legally instructed that Exhibit 49 and Exhibit 49a were proof of an accurate transcription. This degree of deception is unconscionable.

Need I say more. This was an illegal act from the start. From the moment these detectives arrived at Yablonsky's door, they lied and did not Mirandize him with full intent to arrest him and search his house, then altered the results.

Submitted.

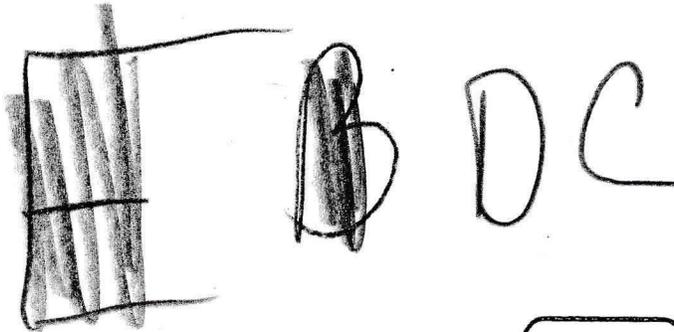


EXHIBIT COVER PAGE



EXHIBIT

Description if this exhibit:

GEORGE YABLONSKY KENNETH YABLONSKY DECLARATION
CHAIN OF CUSTODY
DECLARATIONS FROM
COUNSEL TO EXPERT

Number of Pages to this exhibit: _____ Pages.

JURISDICTION: (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

FVI 900518

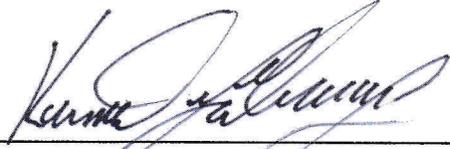
I Kenneth Wayn Yablonsky, an adult and not a party to this action, declare under penalty of perjury, according to belief and knowledge, that I received from George Vincent Yablonsky, on or about August 15th, 2015, a package containing evidences he received from John Henry Yablonsky's lawyer, for case number FVI900518. These evidences were a copy of States Exhibit 49a, a 113 page transcript and a Compact Disc marked States Exhibit 49.

I am a trained and educated person in the field of computer science. I have a sense of experience and knowledge regarding the use of computer programs. I have and own a computer, that has Anti-Virus software and I have maintained this software in my computer. I then scanned and downloaded the 113 page transcript exactly as it was presented to me as well as copied the Compact Disc into a protected folder and have saved this information as it was given to me.

On or about April 27th, 2025, I emailed, sent, an exact real-time copy or States Exhibit 49a text, and States Exhibit 49 Compact Disc, to private investigator Naum Ware.

I Kenneth Wayne Yablonsky declare this under the penalty of perjury, according to belief and knowledge.

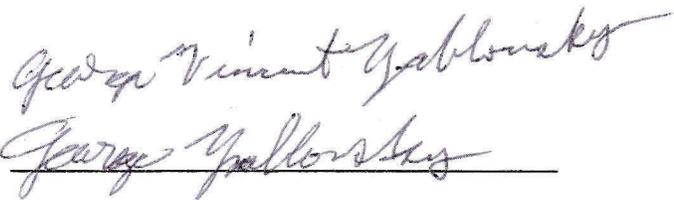
May 2nd, 2025



Kenneth Wayne Yablonsky
562-889-7370

I, George Vincent Yablonsky received from John Henry Yablonsky's post-trial lawyer Richard Levi, a package containing specific evidences to include a copy of States Exhibit 49a, 113 page transcript and States Exhibit 49, a Compact Disc for case number FVI900518. The package arrived in my possession, on or about August 1st, 2015. Without altering or changing the integrity of the evidences, I delivered them to my son, Kenneth Wayne Yablonsky, on or about August 15th, 2015.

I George Vincent Yablonsky, an adult, not a party to this action, declare this under the penalty of perjury, according to belief and knowledge.

Handwritten signature of George Vincent Yablonsky in cursive script, written over a horizontal line.

May 2nd, 2025

George Vincent Yablonsky

760-475-3109