

SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN BERNARDINO

In re JOHN HENRY YABLONSKY, Petitioner,

on Habeas Corpus and Petition for Resentencing
(Penal Code §§ 1473(b)(1)-(3) and 1172.6)

Case No.: WHCSS1200311	Dept.: V3
Hearing Date: June 27, 2025	Time: 8:30 AM

PETITIONER'S FORMAL REPLY TO DISTRICT ATTORNEY'S OPPOSITION TO PETITION FOR RESENTENCING AND HABEAS RELIEF

Petitioner John Henry Yablonsky respectfully submits this Reply to the People's Opposition to his Petition filed under Penal Code § 1172.6 and § 1473(b)(1)-(3).

I. INTRODUCTION

The People argue ineligibility based on jury instructions and evidence that are constitutionally defective, retrospectively applied, and contradicted by current statutory law. Petitioner respectfully contends that the arguments raised in opposition fail at the prima facie stage, as they rest solely on altered and inadmissible evidence and jury instructions that were unlawful as applied to a 1985 offense.

II. REPLY TO DA'S ARGUMENTS

1. CALCRIM 520, 521, and 730 are Ex Post Facto as Applied

These instructions are predicated on Penal Code §§ 190.2(a)(17) and 190.41, which were not in effect in 1985 and therefore cannot be retroactively applied. The use of these post-1990 instructions to secure a 2011 conviction for a 1985 offense violates the Ex Post Facto Clauses of the U.S. and California Constitutions. (See *Collins v. Youngblood* (1990) 497 U.S. 37, *Carmell v. Texas* (2000) 529 U.S. 513).

2. Prima Facie Standard is Met

Under *People v. Lewis* (2021) 11 Cal.5th 952 and *People v. Duchine* (2021) 60 Cal.App.5th 798, the court must accept the petitioner's factual allegations as true unless refuted by the record of conviction. Here, the record of conviction itself is tainted by falsified and destroyed evidence.

3. Unlawful and Altered Statement Evidence Cannot Support Conviction

Petitioner's extrajudicial statements were obtained in violation of *Miranda*, materially altered, redacted, and misrepresented at trial. This is a clear *Napue* violation (*Napue v. Illinois* (1959) 360 U.S. 264).

4. Jury Instruction Misuse Undermines Validity of Verdict

The People’s reliance on jury instructions to justify eligibility ignores the fact that those instructions were based on laws not applicable in 1985. Moreover, they directed the jury to rely on statement evidence that was the product of government misconduct.

5. SB 1437 and SB 775 Apply and Provide Retroactive Relief

The legislative intent of these statutes is to ensure that felony murder liability is limited to those who acted with intent or reckless indifference. The conviction here, lacking any physical evidence or valid corroboration, fails that standard.

6. The DA’s Continuing Use of Known False Evidence Warrants Relief

The State’s failure to correct or acknowledge the falsity of the statement evidence in the face of expert confirmation further compounds the due process violations.

III. CONCLUSION

Petitioner respectfully requests that this Court find that a prima facie showing has been made under Penal Code § 1172.6 and issue an order to show cause and grant habeas relief under Penal Code § 1473 based on the presentation of false evidence and prosecutorial misconduct.

DECLARATION OF JOHN HENRY YABLONSKY IN SUPPORT OF PETITION AND REPLY

I, John Henry Yablonsky, declare:

1. I am the petitioner in this matter. I was convicted in 2011 for a homicide that occurred in 1985.
2. I have reviewed the District Attorney’s response to my petition and affirm that the core evidence used against me was an altered and uncorroborated statement taken in violation of Miranda.
3. I did not and could not have known at trial that the transcript evidence presented was altered until my post-trial attorneys acquired partial copies years later.
4. I have retained an expert investigator who has confirmed the falsification and redaction of my statement evidence.
5. No physical evidence connects me to this crime. All DNA at the scene belongs to other individuals, including Gregory, who confessed and has since died.
6. The instructions given to my jury relied on laws that did not exist at the time of the alleged offense and directed them to rely on my altered statement.
7. I am actually innocent of this offense and seek to vacate my conviction and restore justice.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this ___ day of __, 2025.

John Henry Yablonsky