

#2 Drafts Copy AA

1 JOHN HENRY YABLONSKY  
#AL0373-2309342444  
2 9500 ETIWANDA  
R.C.,CA. 91739  
3 IN PROPRIA PERSONA  
4

5 SUPERIOR COURT OF CALIFORNIA  
6 COUNTY OF SANBERNARDINO

7 JOHN HENRY YABLONSKY  
8 PETITIONER  
9

Case No.: FVI900518—PA1172.6

10 **NOTICE OF MOTION AND MOTION**  
**ESTABLISHING PRIMA FACIE HAS BEEN**  
**PROVEN AND DISTRICT ATTORNEY CANNOT**  
**DISAGREE, FILED IN CONJUNCTION WITH**

11 **NOTICE OF MOTION TO DISMISS BASED ON**  
**BAD FAITH DESTRUCTION**  
**NOTICE OF MOTION TO JOINDER**  
**AUTHORITY PC1172.6 & 1473(B)(1)**  
**NOTICE OF HABIT AND ROUTINE**

12 vs.

13 THE PEOPLE OF CALIFORNIA,  
14  
15  
16 RESPONDENT

**DATE;SEPTEMBER 19, 2025**  
**DEPT;V-3**  
**TIME; 0830**

**THE HONORABLE JUDGE TIMOTHY TAYLOR**

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18  
19 TO; SANBERNARDINO DISTRICT ATTORNEY  
20 JASON ANDERSON AND THE COURT  
21

22 Take notice that on September 19, 2025 John Henry Yablonsky (PETITIONER) will  
23 move the Court to establish priama facie arguments against Jason Anderson who now cannot  
24 disprove entitlement to SB 1437 & 775 relief. PC1172.6 “that the district asttorney cannot  
25 convict petitioner of first degree murden under modern law based on changes to PC 188-189 as  
26 an actual killer or major participant” **JASON ANDERSONS RESPONSE LEGALLY FAILS!**  
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## PRIMA FACIE BURDENS

1  
2 In 2019 legislation enacted SB 1437 significantly changing the scope of burdens to the  
3 states felony- murder rule PC188-189(e) creating a path to resentencing for those who could not  
4 be convicted under modern law as an actual killer or major participant. PC190.2 (PC189 [e] [3])  
5 STONG 13 Cal.5<sup>th</sup> @ 698. The California Supreme Court held under BANKS 61 Cal.4<sup>th</sup> @ 840  
6 to consider what role, if any, did the defendant play in the actual felony- murder- theory  
7 (Id @ 705) is there any evidence the defendant was at the scene at the time of the crime, or,  
8 played any role in the felony or homicide (Id @ 707) if the petitioner was not legally a major  
9 participant in the felony as a matter of law then the court shall vacate the conviction' (RT 317,  
10 491) (COA 4, 17) (DSM 4; 1)

11  
12 In 2022 senate bill 775 passed demanding there be sufficient showing to each and  
13 every element of the felony and homicide under CLARK , BANKS that would support the  
14 convictions verdict if it were looked at today, checking the legal validity of the conviction. Also  
15 in 2022 the California Supreme Court held STRONG, SUPRA “that when there is significant  
16 change in law that alters the legal atmosphere, rendering estoppel inapplicable, citing BANKS  
17 & CLARK thresholds, this sort of change warrants re-examination of the facts, issues related to  
18 special circumstances who never- the- less could not be convicted if they were tried today under  
19 modern application of law. (Id @ 717) because of these changes to PC 188-189(e). This invites  
20 the court to take an independent look through the BANKS & CLARK standards to see “**if there**  
21 **is sufficient evidence within the record to support the jurors decisions**” (WILSON 69  
22 Cal.app.5<sup>th</sup> @ 685) (PINEDA 66 Cal. App, 5<sup>th</sup> @ 801) (SECREASE 63 Cal.app.5<sup>th</sup> @ 256)  
23 Then comes down to how those evidences were used to motivate the jury instructions and  
24 “whether the jury instructions were legal at the time under modern law”

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## STANDING FACTS BEFORE THIS JURY

Rita Mabel Cobb (RITA) was found murdered in her home on September 23, 1985, there was no eye witnesses to this crime, or, there was and nobody listened to them. Rita's son said he is not sure whether he moved her body. (LEVIDITY ONLY FOUND ON UPPER OUTER RIGHT RIB CAGE) **THE BODY WAS MOVED FROM HER RIGHT SIDE ONTO HER BACK!** Detectives found a weapon tightly wrapped around Rita's neck (ITEM B3), they also found a watch band pin beneath Rita's head (ITEM A15) detectives also recovered a gag placed into Rita's mouth (ITEM A17) and recovered several hairs one of which has a root bulb attached (ITEMS A1- A6) they also found Rita's blood smeared into her bedroom door jamb paint by an ungloved hand. (PHOTOS 59 & 61) **THE DISTRICT ATTORNEY WITHELD FROM THE JURY THAT PETITIONERS DNA WAS NOT RECOVERED FROM ANY OF THE ACTUAL MURDER EVIDENCES, AND THE FACT THAT SOMEONE OTHER THAN PETITIONERS DNA WAS FOUND ON THESE ITEMS,(DSM 4;5-8) FORCING THEM TO IMPROPERLY SPECULATE THAT PETITIONER USED THEM OR LEFT THEM BEHIND WHEN HE ALLEGEDLY KILLED RITA!**

SBSD Jones told the jury that the rape kit had been too putrid for them to gather any evidence from (RT 298;3) Petitioners DNA was recovered from inside Rita (ITEM A11) and was determined by states leading experts was completely unrelated to any crimes that occurred on September 20, 1985. (RT 317 SBSB CRIMINALIST Donald Jones stated that DNA belonging to petitioner was older than this crime by several days) (RT491 SBSB PATH-OLOGIST William Saukel stated that DNA matched to petitioner is as much as one and a half days older than this crime) Francesca Drake, John Sullivan , Bruce Nash all testified the same,

1 that they seen Rita at a party on September 20, 1985 between the hours of 1900 and 2330 hours.  
2 (RT391;16, 397;28, 413; 26, 427; 22, 428;1)Dianne Flagg seen a silver Pinto car in front of  
3 Rita's house on the day of the murder.(RT204;8, 615;20) The jury were shown a 2h and 55m  
4 version of statement evidence collected from a March 8, 2009 interrogations that was 3h and 40  
5 & 20s in length. This evidence was states EXHIBIT 49 & 49A. There was no other evidence  
6 that contradicts this evidence after trial other than what DDA Eric Ferguson lied to the court  
7 about on October 19, 2012 during post trial attacks #WHCSS1200311  
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10 **THE LEGAL PLATFORM OF THIS CASE**

11  
12 On 9-23-85 a crime was committed by somebody other than petitioner (RT317, 491)  
13 (COA 17) (DSM 4; 1) The crime was committed within the CARLOS 35 C3d 131/  
14 ANDERSON 43 C3d 1104 window and should have been tried under then then current law.  
15 Then on October 19, 2009 the district attorney amended this complaint to now include PC190.2  
16 (a) (17) is highly prejudicial because it reduced quantum of evidence necessary to meet requisite  
17 burdens. The amending then allowed this case be tried under PC 190.41 where there was no  
18 actual physical evidence necessary to meet the burdens outside defendants extrajudicial  
19 statement. This prospective amending permitted this case be tried in violation of ex post facto  
20 principles under CALCRIM 318 "as evidence that information in the statement is true"  
21 CALCRIM 358 "you may use defendants statement to determine guilt " CALCRIM 359 " you  
22 may determine who committed this crime and to what degree by the defendants extrajudicial  
23 statement evidence alone" CALCRIM 520 "defendant committed an act under the natural and  
24 probable consequences of the act dangerous to human life" CALCRIM 521" The degree if  
25 murder by which this crime occurred" CALCRM 730' That defendant is charged with special  
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1 circumstances that the murder was committed while defendant was engaged in a felonious act”

2 Therefore the legal foundation of this verdict is the gate keeper to the frauds  
3 committed by the district attorney office described within this motion and elsewhere. Therefore  
4 this verdict is based on ex post facto violations which was used to produce fraudulent material  
5 before the jury to decide who committed the crime and to what degree by the false evidence  
6 alone.  
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9 **FACTS HIDDEN FROM THIS RECORD**

10 *House 547 US @ 537-542*

11 There was fifty four pieces of actual murder evidence found at the scene, on the  
12 victim’s body, under the victim’s body that proves scientifically that someone other than  
13 petitioner committed this crime. The district attorney and court of appeals admit that there was  
14 at least sixteen different DNA suspects from those evidences, making them the more than likely  
15 actual killers because their DNA was not determined to predate the crime. (DSM 4; 5-8) (COA  
16 4) (RT 245, 265, 267) **JASON ANDERSON DOES NOT DISAGREE WITH THIS**  
17 **ACCORDING TO HIS BRIEFS FILED HEREIN.** Because the results of those evidences  
18 were withheld from the jury, hidden from the record petitioner was then and now is being  
19 deprived of access to relief. (ITEM B3) The murder weapon was wrapped tightly around Rita’s  
20 neck multiple times to her left side. By withholding this fact from the jury, that someone other  
21 than petitioners DNA was found on this weapon impermissibly permitted the jury to consider  
22 that petitioner was the actual killer by theory alone which attached to the altered statement  
23 evidence. This made CALCRIM 520 & 521 instructions illegal with regards to what degree the  
24 crime was committed. Then the district attorney withheld the fact that someone other than  
25 petitioners DNA was recovered from the watch band pin found beneath Rita’s head (ITEM  
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1 A15) by withholding that information impermissibly permitted the jury to speculate that  
2 petitioner left that item behind when he allegedly killed Rita. **THESE PREDJUDICIAL**  
3 **MISTATEMENTS OF FACT POINTED THE JURY INTO THE LEGALLY WRONG**  
4 **DIRECTION AND ALLOWED THEM TO SPECULATE THAT JUST BECAUSE**  
5 **THESE ITEMS WERE FOUND THAT THEY WERE USED BY PETITIONER, WHO'S**  
6 **DNA WAS NOT ON EITHER ONE OF THESE ACTUAL MURDER EVIDENCES.**

8 The jury never heard that Meryl Gibbs had killed his wife in the exact same fashion as  
9 Rita was killed a few months after Rita was killed, then killed himself along with petitioners  
10 third party defense was destroyed. **WAS MERYL'S DNA ONE OF THE SIXTEEN**  
11 **DIFFERENT DNA'S FOUND AT RITA'S CRIME SCENE?** The jury also never heard that  
12 Joseph Saunders was at Rita's house just moments before her death, but according to Joseph she  
13 allegedly would not let him into her house, and she only gave him a glass of water to drink. It is  
14 true that detectives did find Josephs fingerprints as well as Rita's on one of four separate  
15 glasses found on Rita's kitchen counter, but, Joseph cannot explain how his prints and only his  
16 prints got onto glasses three and four on Rita's kitchen counter, without admitting that he went  
17 into Rita's house. This probably why he never admitted entering her house. Joseph committed  
18 suicide a few months after Rita had been killed. Detectives found journals by Joseph that  
19 memorialized his relationship with Rita which raised several red flags with detectives. **Along**  
20 **with Joseph's suicide John's third party defense died as well, even though Josephs prints**  
21 **were found, and josephs prints were found on two of the four glasses. (EXHIBIT D)**

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25 The jury also never heard that Gregory Randolph's confession three years after Rita's  
26 murder when he confessed to party goers that he met Rita at the Zodiac Lounge on Friday 9-20-  
27 85, took her home and got into an argument over sex, that argument forced him to killing her,

1 then he raped her dead body. His confession led to special investigations, which led to his arrest.  
2 Because none of the actual murder evidences to this case had been processed at all, until after his  
3 confession, district attorney had to drop his charges. **SO THEY CHANGED HIS NAME IN**  
4 **THE SYSTEM TO <sup>PROTECT</sup> AVOID THEIR INVESTIGATIONS, CHANGING IT TO WILLIAM**  
5 **BACKHOFF.** Randolph was a county coroner at that time, and when DNAS began advancing in  
6 the policing field Randolph committed suicide, just about the time DNA science advanced to  
7 what it is today. (EXHIBIT E) At Randolph's/ Backhoff's suicide scene detectives found  
8 trophies in his Lucerne Valley trailer park residence. **THIS MAY EXPLAIN WHY RITAS**  
9 **RAPE KIT COLLECTED BY SBSJ JONES FROM THE MORGUE WAS**  
10 **CONTAMINATED, SO RANDOLPH/ BACKHOFF COULD HIDE HIS DNA FROM**  
11 **DISCOVERY. Gregory Randolph's DNA was in fact at Rita's crime scene. Along with**  
12 **Randolph's suicide petitioner's third party defense was killed as well.**

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15 The jury also never heard that Michael Ramos's cold case team had discovered that  
16 Robert Wortman's DNA was finally matched to Rita's serial twin Helen Brooks who had been  
17 killed in the exact same manner Rita had been killed, just a few months before Rita was killed,  
18 and also lived just a few short miles from Rita on the same exact highway #18. This discovery  
19 came while petitioners trial was in progress yet petitioner's jury were never made aware of this  
20 fact because the district attorney Michael Ramos withheld that information. **This is very**  
21 **relevant because FBI/ VICAP clarified that Rita and Helen had been killed by the exact**  
22 **same person, even though each case has different DNA's. Because the people withheld this**  
23 **material evidence they refused third party defenses that would have made a difference in**  
24 **this deadlocked jury panel. (513 US @ 327) "A Holistic Judgement about The**

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26 *Evidence must be viewed simultaneously"*

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28 *Hayes @ 988 #35-#38* PRIMA FACIES HAS BEEN ESTABLISHED 2 | PAGE

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**THE DISTRICT ATTORNEY'S RESPONSE  
IS LEGALLY DEFICIENT BECAUSE OF CHANGED LAW**

Whether the record is sufficient to overcome petitioners verified petition pursuant to PC 1172.6(a) (3) As the District Court held under SECREASE 63 Cal.app.5<sup>th</sup> @ 246 THE court reasoned regarding eligibility **THE ULTIMATE QUESTION IS NOT BACKWARDS LOOKING INQUIRIES OF PAST CONVICTIONS TO FIND SUBSTANTIAL EVIDNECE!** RODRIGUEZ58 Cal.app.5<sup>th</sup> @ 239 It is instead whether applying changes brought about by SB 775 & 1437, there is a prima facie case that the [**defendant did not**], in fact harbor the mental state required for the murder convictions under current law. DUNCHIE 60 Cal.app.5<sup>th</sup> @ 815 “Thus absent a record of conviction that conclusively establishes that the petitioner engaged in the requisite acts and with requisite intent, the trial court should not question petitioner’s allegation. The court may as the sixth district court held in DRAYTON, consider the record of conviction at the prima facie stage, but, may not evaluate the evidence, making credibility findings adverse to the petitioner, or, engage in fact finding, or exercise discretions! **THE COURT MAY NOT ENGAGE IN JUDICIAL FACT FINDING ON ISSUES NOT CONCLUSIVELY RESOLVED BY THE RECORD OF CONVICTION! (DUNCHIE) (DRAYTON @ 982) (EMPHASIS ADDED) (EMPHASIS)**

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**THE FARIC OF PETITIONERS PRIMA FACIE**

With all this legal guidance now before us petitioner is compelled to invite the court to take notice of the actual record of conviction of specific facts, specific instructions which the jury were told by the prosecutor, **THERE EXISTS NO PHYSICAL OR SCIENTIFIC**

1 **EVIDENCE THAT A FELONY EVEN OCCURRED, OR THAT YABLONSKY PLAYED**  
2 **ANY ROLE IN THESE ALLEGATIONS! (EMPHASIS ADDED);**

3 COURT= C DDA THOMAS = T OUT OF THE PRESENCE OF THE JURY!!

4  
5 C- Is there anything

6 T- There is nothing

7 T- But it is the people's position that Yablonsky made a statement

8 C-During an interview he makes a statement, that your evidence he has a guilty

9 Conscience

10 T- Uh, Hmm

11 T-From the lie the jury could infer a felony occurred in this case

12 C- How

13 T-If it was consensual sex he would have admitted it

14 C-No. Because that would have tied him to the murder

15 T-But if it was truly consensual he would have admitted it

16 C- You're saying that if it were consensual he would have told the police

17 T-Yes

18 C- Would he want to tell the police he had consensual sex

19 T- That's up to him, but my argument is going to be that it is non-consensual or he would  
20 have

21 Told the police.

22 C- I don't think you can do that

23  
24 Let's be perfectly clear, twenty five years after the crime, a squadron of police  
25 arrived at John's house, knowing that John's DNA was completely unrelated to Rita's crime.

26 (RT317, 491) where an entrapment exercise took place to capture incriminating evidence

27 Outside a valid MIRANDA warning when police were carrying an arrest warrant.

28 (EXHIBIT A) That entrapment exercise was captured on PUMA5 recorders as well as audio/

video footage on March 8, 2009 then on March 9, 2009 those recordings were doctored to hide  
custodial markings at the 1h & 15m portion of real time recordings. **THEN ON**

**NOVEMBER 23, 2010 SBSB & SBDA CREATED A MASTER COPY OF THE**

**ALTERED RECORDINGS THAT WAS 3H 40M & 20S IN LENGTH!**

1 **ALSO OUT OF THE JURORS PRESENCE**

2 THIS WAS DONE ON JANUARY 26, 2011 DURING TRIAL

3  
4 T- Then I need to make redactions myself

5 T-I have to do it because I have to ensure that everything's taken out. I don't want to leave  
6 That up to somebody else

7 T- There references that Yablonsky is invoking, I was planning on taking that out

8 T- I got to go through everything and find out where I got to cut the interview out and make  
9 sure that it sounds good.

10 C- Can't be done by this afternoon

11 T- No, I'll be up late tonight doing this

12 **THIS WAS IN FRONT OF THE JURY T=THOMAS D= DETECTIVE**

13 T- During the interview was that recorded

14 D-Yes it was digitally audio and later part of this was in video

15 T-As far as the digital audio portion have you had an opportunity to review the transcript,  
16 Along with the recording to ensure it was accurate.

17 D- Yes

18 T- As far as EXHIBIT 49 which is the recording and 49A which is the text transcript of  
19 That recording, do you believe that that's accurate to the best of your ability

20 D- Yes

21 T- At this time I'd be asking the court if we can play EXHIBIT 49, it's a copy  
22 approximately

23 2h 55m in length

24 C- If the judge determines that MIRANDA rights should have been given but were not then  
25 The jury would never hear the statement.

26 C- Remember when you saw the transcripts and I told you to go by the transcript to see  
27 if it helps you understand what's on the tape, but the tape recorded media is the original

28 **C- THE IDENTITY OF THE PERSON WHO COMMITTED THIS CRIME AND  
DEGREE THE CRIME WAS COMMITTED CAN BE PROVED BY THE  
DEFENDANTS STATEMENT EVIDENCE ALONE**

1 In this instance not only were the jury lied to about states center piece evidence where  
2 over forty minutes of potentially exculpatory material was illegally redacted from various  
3 locations of the interrogation, states evidence other than the center piece clearly exculpates  
4 petitioner because somebody other than petitioners DNA was found on that evidence and  
5 petitioners was not. This case proceeded under "THEORY OF FELONY" which had absolutely  
6 zero corroboration of physical or scientific evidence supporting that theory. In this case the jury  
7 was strategically memorized by the more than fifty (50) directions by the peoples advocate or the  
8 court in order to use the states center piece evidence to determine guilt and to what degree.  
9

10  
11 You wouldn't lie about sex unless you're guilty of the crime!  
12 His denials during investigations is a sign of his guilt  
13 He's lying to prevent being a suspect  
14 His statement incriminates him  
15 Use his statements to determine his guilt  
16 He's lying to hide guilt

17 The instructions regarding the use of states altered statement evidence presented as  
18 unaltered and original illegally handcuffed petitioner to this crime through PC190.41 (enacted  
19 June 5, 1990) PC 190.2(a)(17) (enacted June 5, 1990) through CALCRIM instructions that  
20 targeted the uncorroborated altered statement evidence as the only piece of evidence necessary to  
21 prove degree of guilt.

22 CALCRIM 359 Use the statement to prove guilt and degree  
23 CALCRIM362 Use the statement to determine guilt  
24 CALCRIM520 The defendant acted with implied malice if the act was under natural and  
25 probable consequences to the act were dangerous to human life  
26 CALCRIM540A The defendant is charged under theory the defendant committed felony  
27 and the felony led to the cause of death  
28 CALCRIM730 Defendant is charged with special circumstance murder committed while  
engaged in a felony. **These instructions violated ex post facto PC 190.2(a)(17) (enacted  
June 5, 1990)**

1 In this case there was fifty four (54) pieces of actual murder evidence found at this  
2 crime scene, on the victim's body, under the victims body that physically and scientifically prove  
3 who committed this crime, yet the peoples advocate strategically withheld the forensics results of  
4 those evidences so that the jury would be misled into believing that John Henry Yablonsky's  
5 DNA and fingerprints were found on that evidence, hiding the fact that not only was  
6 Yablonsky's DNA not found on these evidences, but, somebody else's was. Now the district  
7 attorney cleverly admits there was sixteen (16) separate DNA found on that evidence.  
8

9 **(DSM 4:5-8) Legally admitting that someone other than petitioner committed this crime!**

10  
11 Furthermore as already stated above the district attorney openly admits this case was  
12 solely based on a "THEORY" which exists without any physical or scientific evidentiary support  
13 that petitioner was the actual perpetrator. **SENATE BILLS 775 & 1437 ABOLISHED THAT**  
14 **THEORY!** Because petitioners DNA predates this crime by [DAYS] it is the illegality of states  
15 centerpiece evidence the my jury were misled, illegally, and if petitioner were tried today as a  
16 direct result of change in law brought in by senate bills 1437 & 775 the district attorney could  
17 not convict John Henry Yablonsky of Rita Mabel Cobbs murder! (EMPHASIS ADDED)  
18

19 PC1172.6 (a) (3)

20 **THE PEOPLES STRIKING MOTION SHOULD BE IGNORED**  
21 **AND THIS CASE SHOULD ADVANCE TO 1172.6(d) (3)**

22 1) PETITIONERS DNA HAS NO CONTEMPORANEOUS CONNECTION

23 On 9-18-85 Amanda and John had consensual sex with Rita, in Rita's home. (RT317,  
24 491) (ITEM A11) Since John's DNA predates this crime by multiple days and the people openly  
25 admit this in their striking motion (DSM4:1) and has never disputed that fact, the appellate court  
26 agrees there is doubt. (COA 4, 17)ALDAMAT 8 Cal.5<sup>th</sup> @7-8(2019)  
27

28 **PRIMA FACIE HAS BEEN ESTABLISHED-2 | PAGE**

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1 As discussed above the district attorney has failed to make any temporal connections to  
2 this crime outside the abolished theory. By misleading my jury into speculating just because  
3 murder evidence was found, they should consider the [POSSIBILITY] petitioner used it, or, left  
4 it behind. Had the jury heard that someone other than petitioner used the weapon, left their DNA  
5 on those evidences, a reasonable jurist would not have found petitioner guilty. Furthermore in the  
6 people's theory that petitioner committed a felony simply because he lied about an extramarital  
7 affair, he's guilty beyond reasonable doubt standards have not been met. Now sixteen years after  
8 the verdict, forty years after the actual crime was committed by someone other than petitioner,  
9 the district attorney admits that **THE STATES EVIDENCE HAS BEEN DESTROYED.**

10 **WHICH RAISES SEVERAL RED FLAGS. FIRST HOW DOES SOME OF THE**  
11 **RECORD GET SAVED BUT NOT ALL OF IT? SECOND, WHY WEREN'T POST**  
12 **TRIAL COUNSEL GIVEN ACCESS TO THE ACTUAL TRIAL EVIDENCE IN 2012,**  
13 **2013 WHEN IT WAS READILY AVAILABLE? THIS PROVES FRAUD RIGHT OUT**  
14 **THE GATE!! YOUNGBLOOD 488 US @ 57; HERRERA 506 US 390 "The right to produce**  
15 **newly discovered evidence at all hearings" HOUSE 547 US @58 "due process violated when**  
16 **evidence has been destroyed" US V GONZALES 548 US 140 "any error rendering the judicial**  
17 **process unfair cannot be harmless" Therefore the district attorney cannot now rely on**  
18 **fabricate ad destroyed memories of evidence that use to exist when the actual record prove**  
19 **they never met their actual 1985 burdens in the first place!**

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24 2) STATES KEY CENTERPIECE EVIDENCE CANNOT SURVIVE MODERN LAW

25 As discussed above and elsewhere the district attorney openly admits that the jury's  
26 verdict rests squarely on petitioners out of court extrajudicial statement which has no  
27

1 contemporaneous connections to this crime. (DSM 3; 5-8) **It is defendants DNA and statement**  
2 **evidence that the jury linked petitioner to tis crime!** By the district attorney own legal  
3 argument now, after submitting a piece of evidence that the jury never seen, even though it is  
4 marked as states EXHIBIT 49A trying to meet the new requisite burden, this admission of false  
5 evidence compounded injury under HOLOHAN- NAPUE ~~SEE ATTACHED HOLOHAN-~~

6  
7 **~~NAPUE MOTIONS!~~**

- 8 • Misconduct violating due process undermines the jury's verdict and these proceedings  
9 should advance into 1172.6(d) (3) proceedings regardless of what the peoples striking  
10 motion say. NAPUE 360 US @ 269
- 11 • Because district attorney response 1172.6© should be stricken from these proceedings  
12 based on their submissions of false evidence to meet their burden, this case must  
13 advance into PC1172.6 (d) (3) proceedings. DUNCHIE 60 Cal.app.5<sup>th</sup> @ 815 **MUST**  
14 **SEE NAUM WARE REPORT ON STATES EXHIBIT 49A**
- 15 • The district attorney's response is legally impossible to authenticate or dispute. **IT IS**  
16 **DIFFICULT TO WIN AN ARGUMENT WITH A SMART PERSON BUT IT IS**  
17 **IMPOSSIBLE TO WIN ONE WITH A LIAR!** Now the district attorney admits that  
18 the January 26, 2011 transcripts the jury seen has been destroyed. TROMBETTA 467  
19 US @ 85; YOUNGBLOOD 488 US @ 57; HOUSE 547 US 58 "The destruction and  
20 loss, alterations of states key centerpiece evidence had significant and potential  
21 exculpatory value" CHAPMAN 386 US 18 "This type of error is structural where it  
22 undermines the integrity of these proceedings, and cannot be harmless
- 23 • The impact of the known use of false evidenced that was improperly presented to the  
24 jury constitutionally invalidates the integrity of the peoples "THEORY CASE"  
25 SCOGGINS 9 Cal. 5<sup>th</sup> @ 674 proving the instructions were illegally coercive  
26 SAKARIAS 22 Cal.4<sup>th</sup> @629; GIGLIO 405 US 150 "The known presentation of false  
27 evidence violates due process of the 14<sup>th</sup> amendment US constitution

28 3) CALCRIM 520, 521 & 730 IMPERMISSIBLY MISLEADING UNDER MODERN  
LAW WHEN ATTACHED TO KNOWN FALSE EVIDENCE.

1 As discussed above the peoples advocate knowingly submitted an altered and misleading  
2 piece of evidence as if it had not been altered for the jury to speculate who killed Rita while John  
3 was over 150 miles away. (RT317,491) This jury were told they could sole rely on the statement  
4 evidence as if it had not been altered, even though there was no corroborations to that statement.  
5 This illegally altered the legality of these instructions.  
6

- 7 • The altered statement has no temporal or contemporaneous connection to this crime  
8 which allegedly occurred on 9-20-85, therefore the use of this evidence was deliberately  
9 misleading. STRONG 13 Cal.5<sup>th</sup> @ 708-09; OFFLEY 48 Cal.app.5<sup>th</sup> @ 599
- 10 • As a direct result of the prosecutors use of evidence he knew to be false and misleading  
11 jury instructions 520, 521 and 730 were illegally applied according to modern law today  
12 which now attaches to BRADY violations when they deliberately and strategically  
13 redacted potentially exculpatory evidence before they used the statement evidenced
- 14 • CALCRIM 520, 521 & 730 was illegally motivated making any considerations of the  
15 verdict attached because of those instructions unreliable. NAPUE 360 US @269:  
16 HOUSE 547 US 58: MORRISON 34 Cal.4<sup>th</sup> @ 716

17 **THE KNOWN USE OF FALSE EVIDENCE COMMITTED A**  
18 **HOLOHAN- NAPUE ERROR COMPOUNDING INJURY, AS SUCH**  
19 **THIS CASE MUST BE VACATED IN THE INTEREST OF JUSTICE**

20  
21 4) THIS ENTIRE CONVICTION RESTS SQUARELY ON EX POST FACTO

22  
23 On August 6, 2009 the peoples advocate amended this case without verifications to the  
24 allegations of this 1985 crime adding prospective law PC 190.2(a)(17) (ENACTED ON JUNE  
25 5, 1990) This special circumstances did not exist at the time of this crime.  
26  
27

1 This amending illegally permitted the peoples advocate to try this case under PC190.41

2 **WHERE THERE IS NO EVIDENCE NECESSARY TO PROVE FELONY OR**  
3 **HOMICIDE OUTSIDE AN EXTRAJUDICIAL STATEMENT BY THE DEFENDANT!**  
4

- 5 • Amending this complaint to prospectively under PC 190.2(a) (17) violated state and  
6 federal constitution. Cal.Const. Art I sec. 9, US Const. Art. 10 sec. 10 cl.1 FRAZIER 21  
7 Cal.4<sup>th</sup> 737 CALDER, TAPIA, violating ex post facto principles set out over one  
8 hundred years ago, therefore the entire judgment [MUST] be vacated based on the  
9 constitutionality and illegality of this case
- 10 • The lack of verification in the amended complaint deprives this court jurisdiction to  
11 uphold this judgment. TATE 70 Cal.app.2d 393 “The unverified complaint is voidable”  
12 SMITH 223 Cal.app.2d 225 (1963) “verification is essential to the validity of the  
13 complaint. PC 950-951, 1009 “the amended complaint must still comply with rules of  
14 the state and court” GRAFF 170 Cal.app.4<sup>th</sup> 345(2009) “jurisdictionally defective  
15 pleadings does not supersede a valid prior complaint” **THEREFORE THE**  
16 **AMENDED COMPLAINT MUST BE VOIDED**
- 17 • The prospective amending PC190.2 (a) (17) illegally permitted the peoples advocate to  
18 advance this case under “theory alone”, whereas in 1985 the peoples advocate would  
19 have had to prove the merits of the felony and merits of the homicide and that they had  
20 one continuous connections. Which ion this case there is no actual connection with  
21 DNA or any other evidence. Senate Bills 775 & 1437 now demand burdens be met,  
22 which the peoples advocate has not done by submitting a fraudulent piece of evidence as  
23 their proof the jury were illegally misled. GENTILE 10 Cal. 5<sup>th</sup> @ 851; OFFLEY 48  
24 Cal.app.5<sup>th</sup> @ 599; STRONG 13 Cal.5<sup>th</sup> @ 708 (RT 403 change the statement evidence)  
25 (RT455 change the statement evidence) (RT508 the statement evidence was not  
26 changed) (RT569 the people can prove who committed the crime and to what degree by  
27 the defendants statement evidence alone)

28 **CONCLUSION**

There is a new statutory burden yet Jason Anderson has not satisfied that burden here.  
The people’s record exclusively proves that the jury were illegally motivated into the verdict  
based on bad faith acts of government actors, the peoples advocates. The March 8, 2009  
Interrogation was illegal, Jason Anderson legally admits this by refusing to submit an  
unaltered real time record. The statements that were illegally captured were then illegally  
altered to hide custodial markers, potentially exculpatory evidence, and Jason Anderson  
also admits this by refusing access to real time recordings, unaltered evidences. Further the

1 January 26, 2011 states exhibits 49 & 49A have been altered to manufacture incriminating  
2 evidence [SEE NAUM WARE REPORT] and Jason Anderson also admits this by refusing  
3 access to real time recordings, and instead submitted evidence that the Court nor the jury  
4 ever seen.  
5  
6  
7

8 **PRAYER**

- 9 1) That the Court strike the peoples striking motion based on illegal use of evidence and  
10 advance this case into (d)(3) proceedings  
11 2) Vacate this conviction altogether based on the district attorney inability to meet their  
12 New stator burdens  
13 **3) Any other legal remedy available to the petitioner seen by the court**  
14

15 **VERIFICATION**

16 I John Henry Yablonsky an adult and party to this action now declare under  
17 the penalty of perjury the forgoing facts are true and accurate according to belief and  
18 knowledge.

19 July 10, 2025

John Henry Yablonsky

20  
21 **PROOF OF SERVICE**

22 I George Yablonsky an adult and not a party to this action declare under the penalty of  
23 perjury that I personally served the motion attached to the Superior Court 14455 civic center dr,  
24 v.v., ca. 92392 and District attorney 14455 civic center dr. v.v., ca. 92392 on

\_\_\_\_\_ 2025

25  
26 \_\_\_\_\_  
27 GEORGE VINCENT YABLONSKY  
28 LEGAL RUNNER

**PRIMA FACIE HAS BEEN ESTABLISHED** / PAGE

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