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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.: FV1900518—PA1172.6

10 **NOTICE OF MOTION STRIKING DISTRICT**
ATTORNEY PC1050 MOTION FILED WITH THE
COURT ON JUNE 23, 2025-CCP435(B)(1),
CRC 8.204

11 vs.

12 THE PEOPLE OF CALIFORNIA,
13 RESPONDENT
14

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

THE HONORABLE JUDGE TIMOTHY TAYLOR

15
16 TO; SANBERNARDINO DISTRICT ATTORNEY
17 JASON ANDERSON AND THE COURT
18

19 If it pleases the Court John Henry Yablonsky (PETITIONER) will move this
20 court to strike the PC 1050 motion as well as attachments filed with this court on June 23, 2025
21 **NOW IDENTIFIED AS SCANDALOUS MATTER.** These moving papers [must] be stricken
22 from this record pursuant to statutory deficiencies and scandalous material within those moving
23 papers. CCP 435, CRC 8.204(e). Petitioner filed with this court PC1172.6 (a) "THAT THE
24 DISTRICT ATTORNEY COULD NOT CONVICT PETITIONER OF FIRST DEGREE
25 MURDER IF HE WERE TRIED TODAY BECAUSE OF CHANGED LAW". On January 26,
26 2024 the district attorney filed a PC1172.6(c) response along with the trial record!
27

1 **“THE DISTRICT ATTORNEY SUBMITTED FRAUDULENT MATERIAL THAT THE**
2 **JURY NEVER SEEN MAKING THEIR DECISIONS SUBMITTING”**. Petitioner filed

3 with the court and submitted motions to compel discovery pursuant to PC1054.9 asking the
4 district attorney to produce the January 26, 2011 transcripts which the jury seen. On March 14,
5 2025 the district attorney stated to petitioner that the January 26, 2011 transcripts were destroyed
6 along with the original memory cards from the PUMA5 recorders. The district attorney asked
7 then for seven week delay to investigate the allegations of fraud upon the court which was now
8 being supported by a report created by private investigator Naum Ware, until June 27, 2025.

9 Without mentioning the fraudulent evidence described within the Naum Ware report, the district
10 attorney now seeks outside the record to escape allegations by the verdict was achieved through
11 acts of fraud by directing this court to view the “POST TRIAL COLLATERAL ATTACKS”.
12 Rather than addressing the HOLOHAN- NAPUE allegations by petitioner, it appears the district
13 attorney is re-directing the attention of the court, outside the record.
14

15
16
17 The PC1050 motion was written in the wrong case number #FSB1104036 and
18 therefore is irrelevant during the proceedings of # FVI900518, making the motion technically
19 defective and strikable at this point. LEWIS 11 Cal.5th @ 966 “whether petitioner silicified prima
20 facie as a matter of law based on the record of conviction” (Id @ 970) “trial court may rely on
21 the record of conviction” (Id @ 971) “prosecutor to identify entitlement based on the trial record
22 of conviction” (same) STRONG 13 Cal. 5th @ ***26.
23

24 The district attorney defense to allegations of HOLOHAN- NAPUE errors is to
25 aggressively point out every post trial “record” challenge as if to say **“THEY LET IT GO SO**
26 **SHALL YOU”**
27

1 ** YABLONSKY V RAMOS 2018 WL1358161 – Civil litigations dismissed under
2 HECK v HUMPHRIES because the civil claim invalidates the conviction, now
3 proving entitlement here!

4 ** YABLONSKY V MONTGOMERY 2016 WL807960- This court memorialized the
5 Frauds upon the court as the basis for denial of access to relief, heavily relying on
6 Compounded frauds placed into the record by post trial district attorney briefing,
7 falsely stating, **THERE WAS NO PROOF ANY PAGES ARE MISSING FROM**
8 **EXHIBIT 49A – YABLONSKY’S DNA PLACED AT THE SCENE, FOUND**
9 **UNDER THE BODY AND PLACED THERE AT THE TIME THIS CRIME**
10 **WAS COMMITTED- THAT GREGORY RSNOLPHS DNA WAS NOT**
11 **FOUND AT THIS CRIME SCENE- THERE IS NO PROOF MIRANDA WAS**
12 **REDACTED FROM THE TRANSCRIPTS.** It is the gravity of these lies told by
13 senior officer from the district attorney office that motivate the federal habeas corpus
14 court to deny relief and dismiss the case, **REGARDLESS OF THE TRIAL**
15 **ERRORS, THESE FACTS STATED BY DEPUTY DISTRICT ATTORNEY**
16 **FERGUSON ARE UNAVOIDABLE, I CANNOT IGNORE THOSE FACTS!**

17 ** YABLONSKY V CANTY 2019 WL 3492488- Civil litigations dismissed under
18 HECK V HUMPHRIES the litigations necessarily invalidates the convictions.
19 This proves PC1172.6 entitlement.

20 Every post trial challenge on this case was denied primarily based on the false data
21 that DDA Eric Ferguson placed into this record to escape responsibility for the NAPUE errors as
22 the “sole” incriminating evidence used in this trial by the Michael Ramos administration. It now
23 legally proper to strike the PC1950 motion and all its attachments because of the technical defect
24 and scandalous material attached to it because these cases exceed boundaries set out by senate
25 bill 1437 (LEWIS @971) As HOLOHAN clearly points out (294 US @ ****8) it is the judicial
26 duty of the district attorney to correct crimes against the state, if, in deed they were done.
27 (IMBLER 60 Cal.2d @HN1)(AGURS 427 US @*103) Jason Anderson sees these errors, asked
28 for time to review, and instead of addressing the frauds seeks relief through estoppel.

1 “Once the district attorney defies his duty as an advocate of the state of
2 California and commits crimes against this state, regardless of intent, has a
3 proven themselves as enemies of the constitution and shall not be given
4 leniency based on “good intentions”. For there can be no good intentions
5 when a senior officer of the court entrusted by the people, abuses that trust
6 and commit frauds upon this state in their stead. They are no longer
7 advocates of the people and are criminals and shall be held accountable”

THEY ARE ENIMIES OF THE STATE OF CALIFORNIA!

VERIFICATION

8 I John Henry Yablonsky an adult and party to this action declare under
9 penalty of perjury the forgoing are true and accurate according to belief and
10 knowledge

11 July 8, 2025

John Henry Yablonsky

PRAYER

- 13 1) Strike the PC1050 motion and it attachments from this record for technical defects
- 14 2) Strike and stop the district attorney from exceeding the trial record at prima facie

15
16 July 8, 2025

John Henry Yablonsky

PROOF OF SERVICE

17
18 I John Henry Yablonsky an adult and party to this action declare under penalty of perjury
19 that I mails a copy of this motion to strike to the following parties on June 8, 2025 through
20 SBSB legal mail processing postage fully prepaid envelopes to Superior court 14455 civic
21 center dr, v.v., ca. 92392 and district attorney 303 w third st, s.b., ca. 92415

22 July 8, 2025