

JOHN HENRY YABLONSKY CDCR# AL0373  
480 ALTA RD.  
SANDIEGO, CA. 92179

CALIFORNIA DISTRICT COURT  
FOR THE FOURTH APPELLATE DIVISION  
DIVISION TWO

THE PEOPLE OF CALIFORNIA  
PLAINTIFF,  
APPELLEE,

CASE #FVI900518

PLAINTIFF SUPPLEMENTAL BRIEF  
FILED TO BE ATTACHED TO THE  
APPELLATE OPENING BRIEF FOR  
PC§ 1172.6 APPELABLE ISSUES

VS.

JOHN HENRY YABLONSKY  
DEFENDANT,  
APPELLANT ,

If it pleases the court John Henry Yablonsky ( appellant)  
now moves this court in conjunction with the appellate brief filed  
by appellate counsel. This motion [shall] serve as an addendum  
and supplement to the appellants rights to address the denial of  
the PC § 1172.6 verified petition before the Superior Court of  
California, The Honorable Judge James Taylor. As such appellants  
rights have been violated and this brief serves to protect those  
rights now before this court.

JOHN HENRY YABLONSKY

DATE:

## HISTORY OF THIS CASE

On September 23, 1985 Daryl Kramer found his mother inside her home, discovering that she had been killed. Rita Mabel Cobb's body was found nude on her bed and had been strangled with a wire coat hanger. There were no actual witnesses to this crime, detectives collected more than 54 pieces of actual murder evidence to include: The murder weapon, red hairs with their entire roots attached, gag found in Rita's mouth, watchband pin below her head, the bedding as well as her clothes found at the foot of her bed. Detectives later found out that these evidences did not have defendant John Henry Yablonsky's DNA on them, before they charged Yablonsky. Detectives found a brown felt desk cloth at the foot of the bed as well as a vaginal swab which had at least one DNA specimen which matched Yablonsky. The vaginal swab was determined to had seminal cells that matched Yablonsky but had been determined by two experts as being the result of a sexual encounter that occurred as few as one and a half days before Rita's murder and as many as several days before the murder. (RT317,491)

There was only one set of fingerprints found at this scene that did not match Rita and they belonged to Joseph Saunders, who admitted that he was at Rita's house just moments before Rita had been killed. Francesca Drake testified that she seen Joseph at a party seeking to date Rita, but she rejected his offer and he left the party. (RT 391) There were no witnesses to the crime, and the only man who confessed to this crime was arrested but not charged due to the delay in forensics processing, which took more than two full years to discover Gregory Randolph's DNA corroborated his confession. Because the evidence had not been processed prior to the confession, three years after Rita's murder, the sheriff released him. Unfortunately Gregory Randolph committed suicide before scientific evidence corroborated his confession. The case remained cold for decades after the confession while Sanbernardino crime labs concluded that there was also as many as sixteen separate DNA profiles found on the actual murder evidence. (RT 245, 265, 267, 287) There is nothing in the record that anybody other than Gregory Randolph and Yablonsky had been arrested for this crime.

## THE DEFENDANTS ARREST

On August 2008 SBSD crime labs, CODIS matched Yablonsky to being one of the seventeen DNA profiles created from evidence found at this crime scene. On March 4, 2009 SBSD detective Robert Alexander filed sworn probable cause affidavit to arrest Yablonsky for the murder of Rita, then coordinated a three agency arrest to take place on March 8, 2009 where Yablonsky was interrogated at his home while more than fourteen police surrounded his home, and two detective performed the interrogation outside proper MIRANDA in front of Yablonsky's entire family. (1)(RT34;12) then forced him to the police station. During the four hour interrogation which occurred outside MIRANDA Yablonsky attempted to invoke, but the officers would not stop the interrogation or allow Yablonsky to leave the locked police station.. The interrogation was recorded



by Alexander and his partner with PUMA5 recorders as well as a Sony Cam-Corder audio/ visual recorder while Yablonsky was detained at the Signal Hill police station's secure interrogation booth.. These recordings were never produced to trial counsel in their original form. Yablonsky was arrested after a four hour, two location interrogation without being properly MIRANDIZED.

#### YABLONSKY'S CHARGES AND TRAIL

On March 10, 2009 SBDA office charged Yablonsky for the murder of Rita Mabel Cobb under PC 1192.7 as well as PC187. Yablonsky entered a not guilty plea during arraignment and the preliminary hearing held on July 28, 2009 where the people presented zero incriminating evidence that Yablonsky committed any crime other than the people's theory. The people incorrectly applied proposition 115 for this 1985 homicide and scheduled this trial to be improperly tried ex post facto. There was no actual physical or scientific evidence presented during the preliminary hearing that would convince the reasonable jurist that Yablonsky committed this crime, yet the case was bound over to Superior Court for trial. On August 6, 2009 the people improperly amended the complaint under PC 190.2(a)(17) in clear violation of ex post facto principles, that PC 190.2(a)(17) did not exist until June 1990. This amended complaint was never verified nor signed by a natural person, depriving this court of jurisdiction to try Yablonsky for this crime.

During trial the people presented several witnesses who collectively testified that they knew nothing about Yablonsky committing any crime, or that there was any physical or scientific evidence linking Yablonsky to this crime other than DNA which predates this crime by multiple days. The only incriminating evidence presented to Yablonsky's trial that inferred his guilt was the people's [copy] of Yablonsky's out of court extrajudicial statement evidence made during the non-mirandized interrogation which occurred on March 8, 2009. The trial version transcript of that interrogation was created during the trial by the prosecutor and lead investigator Alexander on January 26, 2011. (RT 403, 455) The people redacted more than fifty five minutes of statements made by Yablonsky from various locations of the interrogation statement, and then altered Yablonsky's answers planting digital audio and text evidence upon Yablonsky, planting keys into Yablonsky's possession. These strategic and surgical alterations remained hidden from the jury as the people presented to the jury evidence known to be false, telling the jury the evidence had not been altered (RT 508-509) The four hour interrogation was redacted until it was 2 hours 55 minutes in length and described as the people's Exhibits 49 & 49A. The evidence was shown to the jury in audio and textual manner which matched, then given a text copy to take into the deliberation room.

The jury were instructed more than 54 times throughout the trial to use the people's copy of the statement evidence to find Yablonsky guilty for this crime, repeatedly telling the jury to pay close attention to what Yablonsky says in that statement. The court instructed the jury they could rely on the statement evidence to determine who committed the crime and to what degree based on the statement evidence alone. (RT 569;16)



The court impermissibly instructed the jury under CALCRIM instructions 318, 358, 359 & 362 which tell the jury they could use the statement evidence to determine the degree of this crime, which attached to CALCRIM 520, 521, 540A & 730 impermissibly because the jury were told the statement evidence had been unaltered. (DISCUSSED BELOW) The jury came to a verdict after several hopelessly deadlocked decisions, and received Allen instructions by the court.

#### POST TRIAL CHALLENGE

In June 2012 Yablonsky filed petition for writ of habeas corpus arguing several factors, including that the peoples statement evidence used in the trial had been altered improperly. On October 19, 2012 SBDA office submitted a brief in defense of Yablonsky's claims, submitting deliberate misstatements of fact and evidence within the 28 page brief. The false statements made in that brief included: That Yablonsky's DNA was found under the body, That there was no proof the statement evidence had been altered, That there is no proof that Gregory Randolph's DNA was found at the crime scene to corroborate his confession, That Yablonsky's DNA was placed at the scene at the time of the crime, That Yablonsky was the only DNA suspect to this case. These false statements of fact motivated the denial of habeas relief which rang all the bells throughout this countries court system, and possibly this courts decisions as well. The direct appeal by this court came to four very powerfully motivating conclusions of the scientific evidence found at the crime scene. Case # E055840 First- That there was in fact sixteen separate DNA profiles found at this crime scene and at least one of them matched Gregory Randolph's confession, That there is enough reason to believe that Yablonsky could have had sex with Rita on Thursday and Rita could have been killed sometime on Saturday by someone other than Yablonsky, That there is the possibility that Rita had been waylaid in the Zodiac Lounge parkinglot the night she had been killed. The court denied the direct appeal based on pre-BANKS, CLARK, STRONG standards set out because of senate bill 775 & 1437.

#### YABLONSKY'S PC 1172.6 PETITIONS

On or about August 2022 after the enactment of SB 775 Yablonsky filed a verified PC§ 1172.6 petition with the court, served the district attorney. The honorable judge John Tomberlin denied the petition summarily. Yablonsky eventually refiled another petition in October 2022 and again in December 2022 which the court ordered appointment of counsel by the honorable judge Shannon Farhety. On or about October 2023 the court ordered briefing. On January 26, 2024 the district attorney submitted to the court 2800+ pages of the clerks and trial transcripts along with an eight page brief arguing ineligibility. Within the 2800+ pages the district attorney submitted 113 pages allegedly used during the trial to prove guilt, only that specific 113 pages the jury never seen. The peoples exhibit 49A ( transcripts of the March 8, 2009 interrogation)



When confronted about the 113 page transcript presented to the court, the district attorney stated that was what the jury seen to decide guilt. Yablonsky pointed out that the date on this transcript predated the trial, while pointing out that there was a completely different set used for this trial showing the district attorney trial transcripts where DDA Thomas admitted that he created a transcript on January 26, 2011, the day before he showed the transcript to the jury. (RT 403, 455, 509) That he placed that transcript into the courts record. Yablonsky then hired private investigator Naum Ware to examine the peoples [new] 113 page transcript with the peoples exhibit 49 (audio compact disc recording of the March 8, 2009 interrogation) Naum Ware discovered that the peoples November 23, 2010 transcript was in fact false, had altered Yablonsky's answers to plant evidence. ( TAKE NOTICE OF THAT REPORT ATTACHED HERETO) The report showed:

- \* That Yablonsky was never mirandized
- \* That Yablonsky invoked miranda multiple times
- \* That Yablonsky was constructively under arrest during the interrogation where multiple agencies were present
- \* That they altered Yablonsky's answers to plant evidence on Yablonsky

When the district attorney was confronted with these facts they stated that the trial version of this evidence had been destroyed by the court. ( THIS IS DIGITAL EVIDENCE IN THE POSSESSION OF THE DISTRICT ATTORNEY'S OFFICE) Then proceeded to tell the court that Yablonsky was guilty based on this very evidence, that Yablonsky denied sexual relationships with the victim. (DSM;3:5- 8) During the January 9 & 12, 2026 hearing the district attorney argued that this case is not applicable to CLARK & BANKS, ignoring the standards set out by STRONG. These are the wrong standards for meeting the new requisite burdens. The court then denied this petition arguing that Yablonsky's jury were instructed under CALCRIM 520 & 540A. That under PEOPLE V ANAYA @ 225 Cal.app. LEXIS 871 the court could summarily deny the petition even though Yablonsky presented scientific evidence which refutes the peoples entire case. Yablonsky objected. On January 12, 2026 Yablonsky filed with the court arguments why ANAYA did not control these proceedings and that PEOPLE V PATTON 17 Cal.5th @ 568 (2025) provided a vehicle where the petitioner may submit non- conclusory evidence which refutes the record of conviction. The court denied the argument and then denied every motion filed pursuant to PC § 1172.6(c) as being [irrelevant] to the petitioners right to file a reply. Yablonsky entered an objection.

During the January 9, 2026 hearing yabl onsky suffered a heart condition and was rushed to the hospital. That condition began shortly after the prima facie hearing began, which prevented Yablonsky from entering objections after each motion was denied. As a direct result Yablonsky should not be held responsible for not timely objecting to the courts abuse of discretions when the court denied these motions as irrelevant.



## ARGUMENTS

### I. COURT VIOLATED DUE PROCESS IN ABUSE OF DISCRETION AT THE PRIMA FACIE STAGE

On January 9, 2026 the court denied the verified petition while conducting fact finding features at the prima facie stage without permitting defendant access to refute the peoples record, the peoples response, denying the petition because the jury were instructed under CALCRIM 521 & 540A, (citing) PEOPLE V ANAYA (citation ommitted). Petitioner cited controlling authority PEOPLE V PATTON, 17 Cal.5th @ 568(2025). The courts are crystal clear the courts are not to engage in fact finding at the prima facie stage. The courts primary function at the prima facie is to determine whether taking petitioners factual allegations as true, whether he would be entitled to relief under SB 1437.

Petitioner argued that PATTON [ ] a state Supreme Court decision which states "PETITIONERS FACING A RECORD OF CONVICTION THAT DEMONSTRATES RELIEF IS UNAVAILABLE HAVE THE BURDEN OF COMING FORWARD WITH NON CONCLUSORY ALLEGATIONS THAT WOULD PLACE THE COURT AND DISTRICT ATTORNEY WHAT ISSUES AN EVIDENTIARY HEARING WOULD ENTAIL. THE COURT [ ] ENCOUNTERING THE FACTUAL DISPUTE MAY NOT RESOLVE THE ISSUE AT THE PRIMA FACIE STAGE" (Id @ 568) This is not how the court accepted petitioners argument while it engaged in factual weighing of the argument presented by the petitioner "THAT THE DISTRICT ATTORNEY USED FRAUDULENT EVIDENCE TO MOTIVATE THE JURORS OPINIONS OF THE FACTS". PEOPLE V DRAYTON 47 Cal.app.5th 965(2020) "THE COURT WHICH DENIES THE PETITION SUMMARILY WITHOUT ALLOWING THE PARTIES TO PRESENT EVIDENCE IS REVERSIBLE"; PEOPLE V CLARK 63 Cal.4th 522(2016) "The court was to take the factual allegations as true". (amphasis added)

In this case the district attorney presented evidence at the trial which petitioner could not proven at that time because of deficient scientific software that was recently available. IZOTOPE RX6. PEOPLE V ANAYA @ 255 Cal.app. LEXIS stated "at PC1172.6 prima facie stage, a court may consider [UNREFUTED] evidence from the record of conviction". As stated above the peoples entire case was handcuffed to evidence the prosecutor manufactured himself during the trial. (RT 403, 455: 26) "I have to cut the evidence, and remove everything that needs to be taken out so that everything sounds good". (455: 6) "I was planning on removing the petitioners invocation" (EMPHASIS ADDED) Then telling the jury that this evidence was not altered, not redacted, asking the court to tell the jury this was [ORIGINAL MEDIA] It is no secret the record clearly shows that the prosecutor commanded the jury more than 50 (fifty) times to listen to what the petitioners says which makes him guilty. This attached to the fact the false evidence was planted on the petitioner, which was proven by Naum Wares investigation report.

SANDOVAL 2025 WL481601 @ \*1; STRONG 13 CAL.5TH 698 (2022) (CITING)

BANKS 61 CAL.4TH @ 802 (1d @ 704); LEWIS 11 CAL.5TH @ 972



## II. THE COURT VIOLATED DUE PROCESS AS AN ABUSE OF DISCRETION BY IGNORING NAPUE CLAIMS

On January 2024, April 2025, May 2025, October 2025 and January 9, 2026 the court was made aware of NAPUE errors by the district attorney, whose entire case was tethered to false evidence created by SBSB, SBDA on March 9, 2009, November 23, 2011, January 26, 2011 which motivated the jury to look at certain evidence the district attorney knew was false. (RT 430, 455) That this evidence was shown to the jury between January 27, 2011 through February 3, 2011, and now used during these PC1172.6 proceedings. The court was served verified reports by both private investigator, and forensics experts which scientifically the peoples exhibits 49 & 49A were false, altered and destroyed. The court engaged in fact finding relying solely on CALCRIM instructions 521 & 540A.

During the hearing the court rejected petitioners experts, their scientific evidence that the peoples key centerpiece evidence was falsified. (TAKE NOTICE OF BOTH EXPERT REPORTS ATTACHED HERETO) Petitioner argued HOLOHAN V MOONEY, NAPUE V ILLINOIS "THAT THE RECORD WAS CREATED BY DECEPTIVE USE OF FRAUDULENT EVIDENCE" The defendant argued that under cal. Const. Art I sec. 28(f)(2), PC1172.6(f) that he was entitled to the truth in evidence in all post trial proceedings. The court rejected this argument holding to the misapplied language under ANAYA (citation ommitted).

As discussed above and within the 1172.6 prima facie hearing petitioner argued that it was the district attorney's own argument that it was this evidence and this evidence alone that convicted petitioner. (DSM 3;4-5, 4:1-2) Because this evidence was in fact material to the issue of guilt, was in fact false, the district attorney refused to argue otherwise, this should have been seen for error under NAPUE & ALCORTA. The district attorney argued that this case should not be held under CLARK, BANKS, STRONG AND AGREED THAT THIS CASE SHOULD HAVE BEEN CONTROLLED BY PATTIN as petitioner stated. The failure to exercise discretion that should have allowed this case to advance to PC1172.6(d)(3) hearings because there was non- conclusory evidence that refuted the trial record.

Petitioner pointed out the clandestine covert behavior of the district attorney who showed the jury the murcer weapon but withheld the DNA results from that weapon which had another persons DNA on it, and, not the petitioners. "THIS IS STIKING AND COMPELLING WHICH WOULD HAVE ALTERED THE COURSE OF THE TRIAL" The judge seen the report, recognized the district attorney's refusal to dispute the findings by both experts and instead dismissed the petition violating 14th amendment US constitution. GLOSSIP 145 9. CT. 612(2025): EDWARDS WL52579(2025):(CITING) STRONG 13 CAL.5TH@720: MOORE 600 US. @ 2088(2023)(CITING) MURDOCK 20 WALL @626 "STATE COURTS ARE APPROPRIATE TRIBUNAL": CAL CONST. ART. I S.5 : HOLOHAN 294 US @ 113: 14TH AM. U.S. CONSTITUTION



III. THE COURT COMMITTED REVERSIBLE ERROR  
WHEN IT DENIED THE PETITION WITHOUT CONSIDERING  
ANY OF PETITIONERS REPLY MOTION PC §1172.6(c), 1172.6(f)

As stated above on October 16, 2023 the honorable judge Miriam Morton scheduled briefing pursuant to PC § 1172.6(c) for both the district attorney and petitioner. On January 26, 2024 the district attorney submitted to this court evidence that the jury never seen forcing petitioner to attack the integrity and probative value of that evidence. Between January 204 and January 2026 parties filed several briefs, motions opposing and attacking that opposition related to jurisdiction, burden of proof, chain of custody, authenticity ex post facto principles. The district attorney submitted records to the trial post proceedings that the jury nor the court ever seen.

Coinsistant with the language under PC§§ 1172.6(f), 1473(b)(1-3),, and other points of authority, legal precedence which the court uneven handeldy read and considered the district attorney's briefs, but not the petitioners, ignoring the order by the honorable judge Miriam Morton. Consistant with language of law, statutory foundations of these proceedings, petitioner was entitled to reply to every fact, rule, law argued by the district attorney's briefs. On January 9, 2026 the honorable judge James Taylor denied the verified petition without permitting reply briefs, expert forensics evidence which refuted the trial record, the district attorney's arguments, causing irreperable, reversible error.

In this matter the district attorney argued that petitioner was ineligible because of defendants extrajudicial statement that had not been corroborated by any of the actual physical, testimonial evidence at trial. "THIS EVIDENCE WAS FALSE" (RT403, 455) While the prosecutor openly admitted to altering this evidence on the recofd before submitting it to the jury, he also lied to the jury about the integrity of this evidence. (RT508:20- 509:6) Because the district attorney argued eligibility relying on the evidence in the record made this argument [TESTIMONIAL] PC §§1172.6(f), 1172.6(c) "There is nothing in this section that abrogates or deprived the petitioner access to relief otherwise available".

Because it was the district atorney's own argument that instigated petitiioenrs motions, petitioner was entitled to reply, present irrefutable evidence that undrcuts the district attorney's juridiction argument, ineligibility arguments. Petitioner argued that PEOPLE V. PATTON @ 568 permitted access, which the court found prejudicially found that PEOPLE V ANAYA controlled this decision. The court should take notice that PATTON exclusivley found that "WHEN PETITIONER FACES A RECORD OF CONVICTION HE IS ENTITLED TO PRODUCE NON CONCLUSORY EVIDENCE WHICH REFUTES THE RECORD AND THE COURT MAY NOT MAKE FACTUAL DECISIONS AT THE PRIMA FACIE STAGE" ( EMPHASIS ADDED) LEWIS II CAL-5TH @ \*961 (CITING) PC1170.95(C) "PETITIONER MAY FILE AND SERVE REPLY" (CITING) VERDUGO 44 CAL.APP.5TH @327 "TO SEE IF AN ORDER TO SHOW CAUSE SHOULD ISSUE"



IV. THE COURT ABUSED DISCRETION REFUSING ACCESS TO  
EXPERT WITNESS, NEWLY DISCOVERED EVIDENCE  
REGARDING THE DISTRICT ATTORNEY'S FRAUDULENT USE  
OF THE PEOPLES EXHIBIT 49A (STATEMENT EVIDENCE)

As discussed above the district attorney submitted into the record evidence that he knew was false, the jury had never seen as the states centerpiece evidence. A text transcript of the March 8, 2009 interrogation created two months before the trial. (RT403, 455) On January 12, 2026 petitioner argued that his experts and their findings were in the courtroom to provide credible, non-hearsay testimony and newly discovered evidence that the peoples exhibit 49A was physical proof of the frauds that occurred on March 9, 2009, November 23, 2010, January 2011 - February 3, 2011.

This 113 page text transcript was created from the peoples DSS file created on March 9, 2009 DR#1331036-07 H85 for case #FVI900518. Expert witness private investigator, ex-colton police detective found that the peoples exhibit 49A was an altered version of the false evidence within the peoples DSS file. Naum Ware had in the courtroom his laptop with the forensic experts on ZOOM which was prepared to show the court the results of the forensics examination, but the court rejected this access. This decision directly cuts into the language under PATTON. In this record it is petitioners DNA which predated the crime and this extrajudicial statement evidence that the jury relied to find petitioner guilty. "THAT MAKES THE INTEGRITY OF THE PEOPLES EXHIBIT GERMANE TO THE ISSUE OF ELIGIBILITY"

Ignoring the expert in the courtroom their findings, the court rested his decision on CALCRIM 520, 540A instructions that heavily if not exclusively relied on the peoples extrajudicial evidence, making this evidence material to the issue of guilt. Because this evidence was so powerful in the decision making process that no doubt affected the way the jury seen this evidence makes the prosecutors fifty four comments about the content of evidence material and probative on the issue of guilt when we take into consideration that this and only this evidence incriminate the defendant.

Because of the language use by legislative under PC §§ 1172.6(c), 1172.6(f), and 1473(b)(1-3) specify that defendants, petitioners are legally permitted to refute the record, district attorney's response, there is little room for discretion. When we take into consideration the language under both ANAYA and PATTON the court clearly abused its discretion committing irreparable injury at the prima facie stage in violation of 14th amendment US constitution. HOLOHAN\_NAPUE\_ALCORTA\_IN RE HILL MORRISON AUTHORITY STATED ABOVE;  
IN RE RICHARDS 55 CAL.4TH 948: WEST PENAL CODE 1473: WIDELY  
ACCEPTED NEW TECHNOLOGY: IN RE HALL 30 CAL.3D 424 "WHEN NEW  
EVIDENCE CASTS DOUBT OVER VERDICT OF GUILT"



V. THE COURT ABUSED DISCRETION PERMITTING THE  
DISTRICT ATTORNEY TO RELY ON RES JUDICATA  
ARGUMENTS TO DEFEAT THE VERIFIED PETITION  
BEFORE THE COURT

On September 2025 the district attorney submitted to the court a motion detailing how this case, the facts of this case decided before SR 1437, BANKS & CLARK standard refute the allegations within the verified petition filed with the court PC §1172.6(a) The district attorney placed into the record decisions of petitioners post trial habeas collateral attack, of which were primarily decided on the exclusive weight of defendants extrajudicial statement evidence that the people entrapped petitioner than altered that evidence by planting evidence to frame petitioner, redacted invocations as well as destroyed potential exculpatory, theory impeaching evidence.

By allowing the district attorney to submit this argument opened the door for petitioners arguments in reply under ex post facto , PC §1009 an unverified amended information, retrospective application of PC § 190.2(a)(17) These were argued within the reply motions filed by petitioner which the court refused to acknowledge and denied the petition without allowing replies to the res judicata argument. It is because of the poisonous fruits of the fraudulent evidence that motivated the post trial denials, making those denials prejudicial because the courts "NEVER" stated the arguments were denied on the merit! Those decisions stated that the petitioner bears the heavy burden of proof, those arguments were denied.

The courts hold that the district attorney may not reach beyond the trial record to dispute the verified petition, or, prove beyond reasonable doubt that petitioner is guilty beyond reasonable doubt. If that's the case all felony- murder convictions are ineligible if those convicted defendants sought post trial relief and was denied. "THIS IS NOT THE LANGUAGE OF THE LEGISLATIVE BRANCH OR ANY OF THE REASONABLE COURTS IN BANKS, CLARK & strong. In fact STRONG specifically stated that even though the record shows the defendant had been convicted with special circumstance, that decision does not necessarily make the petitioner ineligible to have the conviction vacated if the district attorney fails to meet the new requisite burdens set out by modern applications of law. (PC §§188-189, 1172.6(c))

The courts decisions caused irreparable injury because the court, language of law clearly tells the court that it may "ONLY" rely on the record to decide eligibility. This abuse of discretion violates due process of the 14th amendment US constitution



VI. THE DISTRICT ATTORNEY VIOLATED DUE PROCESS WHEN THEY  
FAILED TO CORRECT THE KNOWN USE OF FALSE AND MISLEADING  
EVIDENCE IN VIOLATION OF DUE PROCESS 14th AMENDMENT

As discussed above petitioner filed with the court reliable verified expert witness reports after thorough forensic, scientific examination of the peoples key most incriminating evidences, exhibits 49(DSS file audio of the March 8, 2009 interrogation) and 49A text transcripts created from the DSS file). On January 26, 2023 the district attorney placed onto this record ~~facts~~ the jury, nor this court had ever seen, compounding the frauds they committed on January 27, 2011 through february 3, 2011, October 19, 2012 and March 2012 when they gave post trial counsel false evidence knowing that it would deprive the defendant of access to relief..

On March 14, 2025 the district attorney responded to petitioners PC § 1054.9 motion for post trial discovery, stating that the peoples exhibit 49A and 49 created on January 26, 2011 had been destroyed. (RT403, 455) As a direct result of the district attorney's transparency petitioner hired private investigator Naum Ware and GS Media Lab to directly and forensically examine these evidences under modern applications of law. The reports were served upon the district attorney who had a ethical duty to correct the frauds committed upon the trial court, this court & The State of California. NAPUE\_ ALCORTA.

During oral arguments the district attorney on January 9, 2026 & January 12, 2026 openly admitted on the record that the actual trial version transcripts had been destroyed by the [court], but failed to address the exhibit they placed into this record on January 26, 2011. The exhibit 49A placed onto this record on January 26, 2023 was created on November 23, 2010 and was [nothing] like the exhibits created on January 26, 2011 or the real time recordings. Both experts reports prove this if we take into the consideration of the October 19, 2012 briefing by DDA Gerguson for case #WHCSS1200311 and the reports. (RT508;20- 509:12)

This blatant disregard for refusal to correct known false evidence captured and altered by the district attorney's office that was more than material to the issue of guilt it was instrumental to the peoples entire theory "THAT YARLONSKY LIED ABOUT AN EXTRA-MARTIAL AFFAIR WHICH OCCURED MORE THAN ONE FULL DAY BEFORE THE ACTUAL MURDER" (RT 32-36) Because this centerpiece evidence was so compelling in it's altered state where the district attorney not only altered petitioners answers to plant digital evidence on the petitioner to frame him for the crime, the prosecutor himself told the jury to pay close attention to what the petitioners says during the interrogation which makes him guilty for this crime. (RT 569:16) "You can use the defendants extrajudicial statement to determine who committed this crime and to what degree!" This act by the peoples advocate made of state, petitioner and the people in violation of 14th amendment US Constitution. ALCORTA-AGURS, IN RE HILL (EMPHASIS ADDED)



VII. THE DISTRICT ATTORNEY VIOLATED DUE PROCESS WHEN  
THEY BLAMED THE COURT FOR THE LOSS AND DESTRUCTION  
OF THE PEOPLES KEY CENTERPIECE EVIDENCE AFTER TRIAL

During the January 12, 2026 prima facie hearing, during oral arguments the district attorney responded to petitioners admission that on March 14, 2025 the chief district attorney Michale Fermin admitted that the Peoples Key Centerpiece Evidence had been destroyed. which forced petitioner into employing both experts to examine the Peoples Exhibits 49 & 49A. What made this so disturbing is that "IF" the actual trial evidence created on January 26, 2011 was destroyed, then [why] would the district attorney then exchange that evidence for evidence the jury nor court ever seen, knowing that it was different than the trial exhibits, but then gave these alternative exhibits to post trial counsel Hal Smith and Richard Levy?

The strategic switching of exhibits used during trial for exhibits that were different than the trial exhibits as well as different than real time recorder screams "FRAUD"! NAPUE-ALCORTA! Because this information was placed before the court, the district attorney, forced the district attorney into arguments which exceed the trial record by arguing to the court that "EVERY" post trial collateral attack was denied, therefore this court should also deny petitioners allegations that were scientifically corroborated with credible, reliable science that is accepted by Californias standards under Kelly/ Frye.

This blatant admission the evidence was destroyed, but blaming the court "YOU KNOW HOW THE COURTS ARE WITH EVIDENCE!" as an excuse is unconscionable and contradicts ALCORTA courts that this conviction [MUST] be vacated, even if only to retry the petitioner. NOPE! The district attorney argued that just because post trial attacks were lost because petitioner could not actually prove the allegations due to issues beyond petitioners control that this court should follow suit! RES JUDICATA. The error violate due process to such extreme that this case [MUST] be vacated and sanctions placed against the district attorney Jason Anderson, John Thomas, Eric Ferguson, Michale Ramos and Michael Fermin. This behavior shocks the entire legal community.



VIII. THE COURT ABUSED DISCRETION WHEN IT DENIED  
PETITIONERS MOTION TO RECONSIDER THE DENIAL  
OF THE VERIFIED PETITION BEFORE THE COURT

On January 9, 2026 the court stated that it would give petitioner a tentative ruling before it's decision. Petitioners asked because he had actual physical evidence that supported his eligibility claim. Instead the court without giving the tentative ruling denied the petition, then began a campaign to deny PC§1172.6(c) motions filed in reply to the district attorney's use of raudulent evidence to meet his new requisite burden. After the denial of the petition and [BEFORE] the denial of all 1172.6(c) replies petitioner experienced chest pains and fell to the floor. This medical emergency seized the proceedings. The court rescheduled these proceedings on January 12, 2026.

On January 12, 2026 at 0800 hours petitioner filed a motion titled "motion and motion to reco nsider and vacate" [EMERGENCY FILING] The filing of this motion re-instigated oral arguments where the district attorney argued jurisdiction. Petitioner on the other hand argued that the motion was timely because the court at that time had jurisidiction, and had not made its final decision. As- A- Matter- Of- Law the motion was in fact timely!

It is because the court denied the petition erroneously applying the wrong standard of the courts responsibility holding that the jury were instructed under CALCRIM 520 & 540A (citing) PEOPLE V ANAYA. First petitioners janaury 9, 2026 motion clearly pointed out PATTON @ 568 "that the petitioner was entitled to challenge the district attorney's case with non- conclusory allegation, show the court what evidences would be seen during the evidentiary hearing" The courts denial was severely prejudicial and the hearing had not been completed. The fact the court and not petitioner stayed the proceedings did not necessarily terminate them, and the fact that they had began but not completed, the court retained jurisidiction, therefore the district attorney's argument was a feeble effort the escape accounatbility for the frauds upon the state of California. This misconduct violated due process, which in tunr resulted in the court abusing it's discretion. At no point does the court entertain the discretion to escape duty, statutory policies amnd rules of the court. This abuse vilolate 14th amendment due process rights afforded post trial litigators.



IX. THE DISTRICT ATTORNEY FAILED TO MEET THE NEW  
REQUISITE BURDENS ESTABLISHED BY CHANGE IN LAW

As discussed above the district attorney was faced with a heavy burden established by change in law under SB 775 & 1437. which instigate the district attorney placing onto this record evidence the court nor jury ever seen as well as a stiking motion that agrees the record is vacant for any actual proof petitioner committed this crime. (DSM 3:3-5. 4:1-3) That petitioners DNA clears him of this crime by "DAYS" and the extrajudicial statement evidence is all the jury had to work with the decide guilt under old law. That threshold changed under BANKS. CLARK & STRONG!.

It is because the peoples entire case was underpinned by theory alone and the use of PC 190.41 which set the platform for the prosecutor to use the altered statement evidence by telling the jury it had been unaltered and was original media. Then hiding from the jury the DNA results of the actual murder evidence used in this case. (The murder weapon)(The gag) (The clothing) (The bedding) (The watchband pin) "ALL OF WHICH DID NOT HAVE PETITIONERS DNA ON THEM AND HAD SOMEBODY ELSE'S DNA ON THEM" By hiding that forensics report forced the jury into weighing these fact improperly. The prosecutor was clever in hiding the red hairs with their roots attached found on the nude body. The red hairs would have sent up red flags when they were being used against a blond defendant and in that situation forensics reports would not have been needed.

Because the DNA matching petitioner was in fact older than the crime. [any] DNA found on the actual murder evidence would have been material to the issue of somebody else committing this crime. In this case the district attorney heavily relied on the 13 page text transcript created that had been created from the fraudulent DSS file created on march 9. 2009 of the March 8. 2009 interrogation. making the 113 page text compounded fraud. In this instance that evidence was not used in this trial. and was created two months before petitioners trial.

The ending is that the district attorney failed to present [any] incriminating evidence into the 1172.6 proceedings to meet the burden. therefore petitioner was legally entitled to have his conviction vacated as- a- matter- of- law! Because the district attorney submitted evidence the court nor jury ever seen he violated due process of the 14th amendment US Constitution.



X. THE COURT PREJUDICIALLY DENIED THE 1172.6  
PETITION ERRONEOUSLY USING THE WRONG STANDARD  
FINDING THE PETITIONER IS THE ACTUAL KILLER  
IN A CASE WHERE ALL OF THE MURDER EVIDENCE DOES  
NOT HAVE PETITIONERS DNA ON IT AND HAS ANOTHER  
PERSONS DNA

During the prima facie hearing the court solely relied on the CALCRIM instructions that the record sufficiently showed that petitioner is the actual killer and the special circumstances were true, denying the verified petition. In this instance CALCRIM 521 & 540A instructions [presume] a valid, untainted verdict. However at this time of the denial, the court had before it pending motions and physical scientific evidence establishing that the "ONLY" incriminating evidence used in this trial- petitioners alleged extrajudicial statement- which was the catalyst of frauds committed by the district attorney's office on March 9, 2009, January 26, 2011, February 3, 2011, and March 12, 2011 when the people gave post trial counsel Hal Smith evidence the jury had not seen. A Court may not deny post-trial petition relief while assuming the validity of evidence that had not been adjudicated as authentic.

According to the district attorney's own response argument it the petitioners DNA which predated the crime by days and his uncorroborated extrajudicial statement which the jury relied to underpin CALCRIM 521 & 540A, which the petitioner can now scientifically prove had been altered in such a way that it would be "LEGALLY" impossible for [anyone] to create an authentic transcript from. This does suggest that the trial transcripts created on January 26, 2011 were fruits of the March 9, 2009 frauds. (TAKE NOTICE OF GS MEDIA LAB & NAUM WARE REPORTS)

Because there was such significant briefing on this very issue which the court refused to take notice, identify, and consider which petition was entitled PC § 1172.6(c), 1172.6(f) which the court deprived. This is critical because the newly discovered evidence before the 1172.6 judge was verified by court appointed experts who proved the states sole incriminating evidence was not only fraud but there is actual scientific evidence proving petitioners factual and actual innocence, but that the petitioner was in fact framed for this murder, while the people hid the fact the true killer named Gregory Randolph committed suicide before science could corroborate his confession with his DNA being found at the crime scene.

Because of these facts, the court knew of these facts before it denied the petition relying on CALCRIM instructions that were tethered to false evidence made that denial extremely prejudicial and petitioners entire case must now be called into question.

WHAT JOHN HENRY YABLONSKY NEED OF CHAT GPT

Please write me a supplemental brief to the appeal brief filed by the appellate law firm and move the court to allow these arguments as well as the GS Media Lab's entire report filed with it to now become part of the direct appeal. Please write that motion.



# GS MEDIA LAB

September 29, 2025

## DECLARATION IN SUPPORT OF MOTION FOR APPOINTMENT OF EXPERT

I, THOMAS GUZMAN-SANCHEZ, declare as follows:

I am a member of the Los Angeles Superior Court Expert Witness Panel.

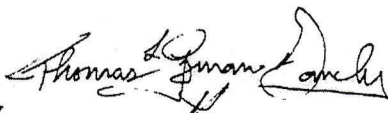
On June 06, 2025 I was appointed to conduct audio forensic lab services for the defense (John Henry Yablonsky case #FVI900518). I was authorized to provide twenty (20) hours of non-testimonial services for the defense. I have proceeded to do the requested analysis, lab services and consultation. Additional analysis and production services are required for the completion of this appointment

I have prepared an initial preliminary report reflecting the results from phase one of the analyses, which is attached hereto as **EXHIBIT A**. I have also provided details of service provided and what is needed to complete the appointment, which is attached hereto as **EXHIBIT B**. I need to continue to phase 2 and 3 to complete the requested phonetic transcription and complete report to the Defense.

Based on the twenty (20) hours I've expended so far on this case for review, clarification and analysis, I am requesting the Court approve an additional twenty (20) hours of lab services and forensic production. This includes: phonetic transcription continued analysis, file authoring and preparation of the final report.

I declare under penalty of perjury under the laws of the State of California that the facts stated in the foregoing are true and correct.

Executed on this 29<sup>th</sup> day of September 2025, in Los Angeles, California.

By 

THOMAS GUZMAN-SANCHEZ  
AVF - Expert  
GS Media Lab

GS MEDIA LAB  
19210 DEARBORN ST. NORTHRIDGE, CA 91324 USA  
VOICE: 818.727.1979 CELL/TEXT: 818.399.1255  
e mail: vfi@gsmedialab.com

AUDIO  
EXPERT

Proof of Failure upon Court

APPOINTED  
6-6-25



12ECU 4-09-25

File	Dss1211E.exe	Interview John Yablonsky (03-08-09) H #100-85.DSS
Name	Dss1211E.exe	Interview John Yablonsky (03-08-09) H #100-85.DSS
Size	2.17 MB (2173358 bytes)	22.9 MB (22875648 bytes)
Kind	Microsoft Executable	Unix Executable File
UTI	com.microsoft.windows-executable	dyn.ah62d46dzqm0gw23sszlgw8brqz6gn25zsvu0e5df hk2x43dxsq
Location	/Volumes/PAGE_PRIVT-1/San Bernardino Submissions/YABLONSKY naum were VICTORVILLE/ YABLONSKY Recorded Interview	/Volumes/PAGE_PRIVT-1/San Bernardino Submissions/ YABLONSKY naum were VICTORVILLE/YABLONSKY Recorded Interview
Created	February 20, 2019 9:20:42 AM	March 9, 2009 7:30:40 AM
Modified	February 20, 2019 9:20:42 AM	March 9, 2009 7:30:40 AM
Container		
Format	MZ	
Format profile	Executable / Intel i386	
Encoded date	UTC 2001-09-05 17:02:57	

← CREATED  
3-9-09  
@ 0730HR

**Extraction:**

The extraction technician for the files is unknown and there was no official extraction report included with this DME.

**Extraction Details:**

**1) InterviewJohnYablonskyInterview(03-08-09).mp3**

Created: November 11, 2020 10:35:22 AM

Modified: November 11, 2020 10:35:22 AM

Encoded & Tagged: None

**2) Interview John Yablonsky (03-08-09) H #100-85.DSS**

Created: March 9, 2009 7:30:40 AM

Modified: March 9, 2009 7:30:40 AM

Encoded & Tagged: None

**3) Dss1211E.exe**

Created: February 20, 2019 9:20:42 AM

Modified: February 20, 2019 9:20:42 AM

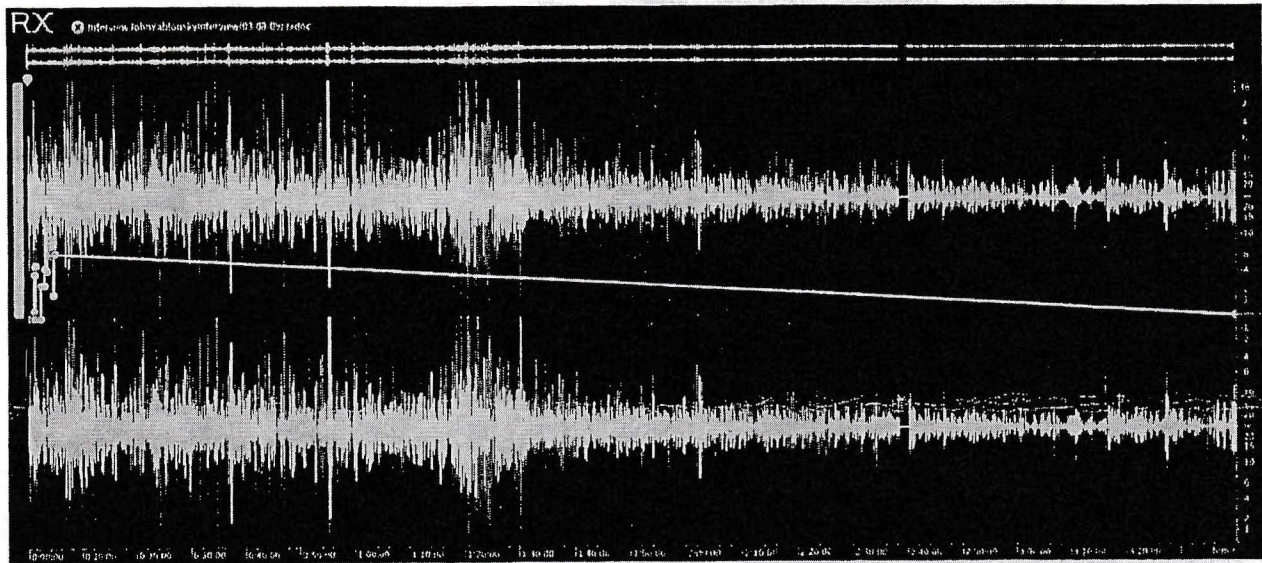
UTC: 2001-09-05 17:02:57



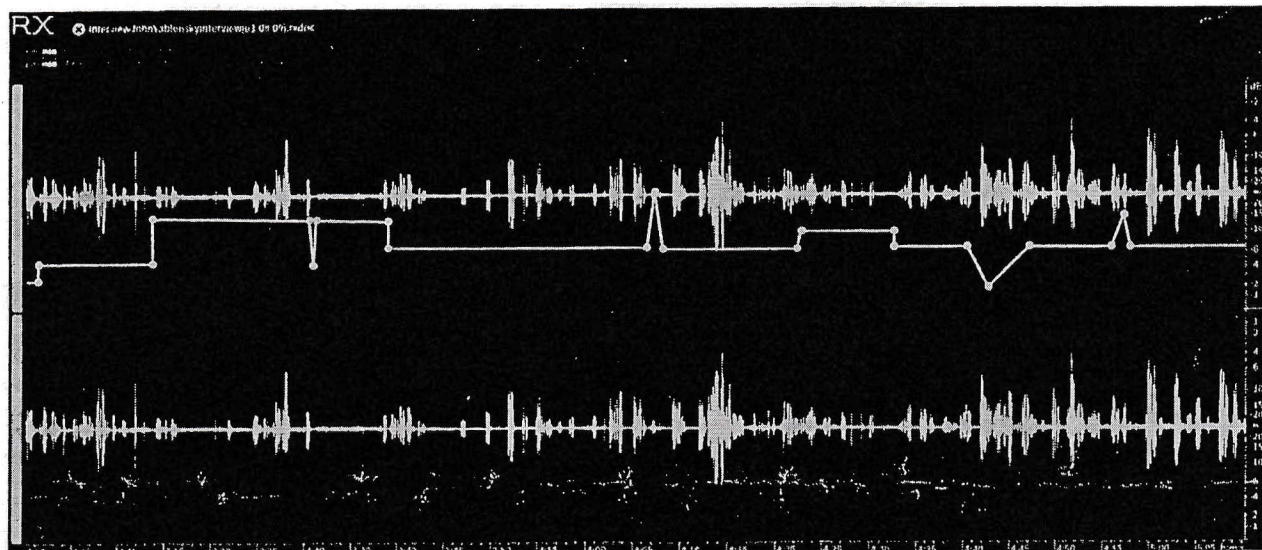
IMAGE CLARIFICATION

RECO 9-29-25

The audio file was imported into Izotope and clarified.

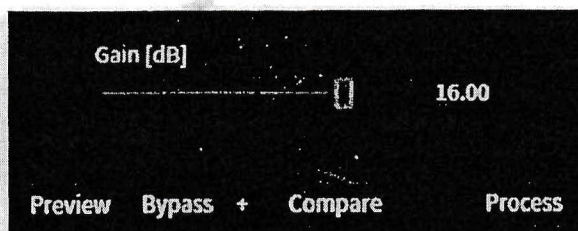
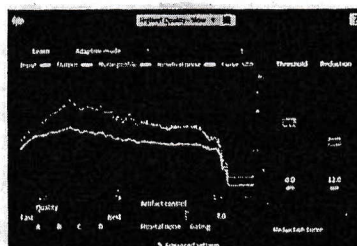


1) InterviewJohnYablonskyInterview(03-08-09).mp3



Phase 1 completed

Filters applied:



FILTERS  
EQUALIZER

6

15

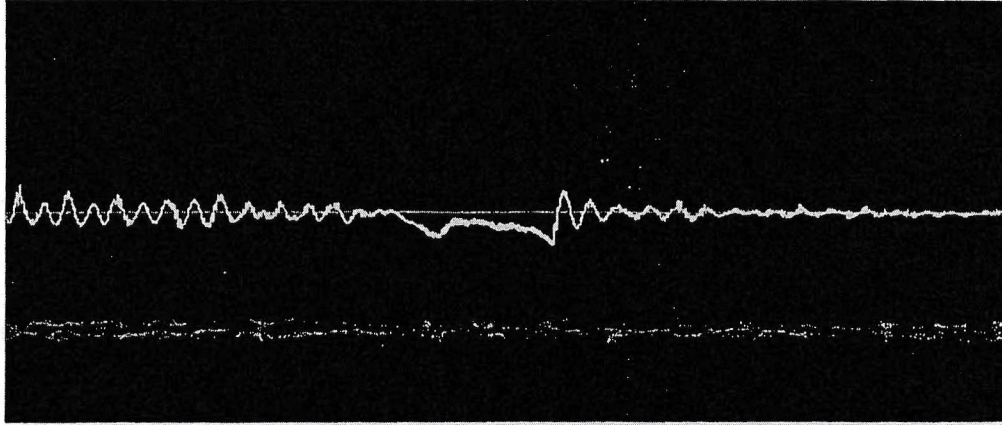


REC'D 9-29-25

Drop/cut examples from file:

1) InterviewJohnYablonskyInterview(03-08-09).mp3

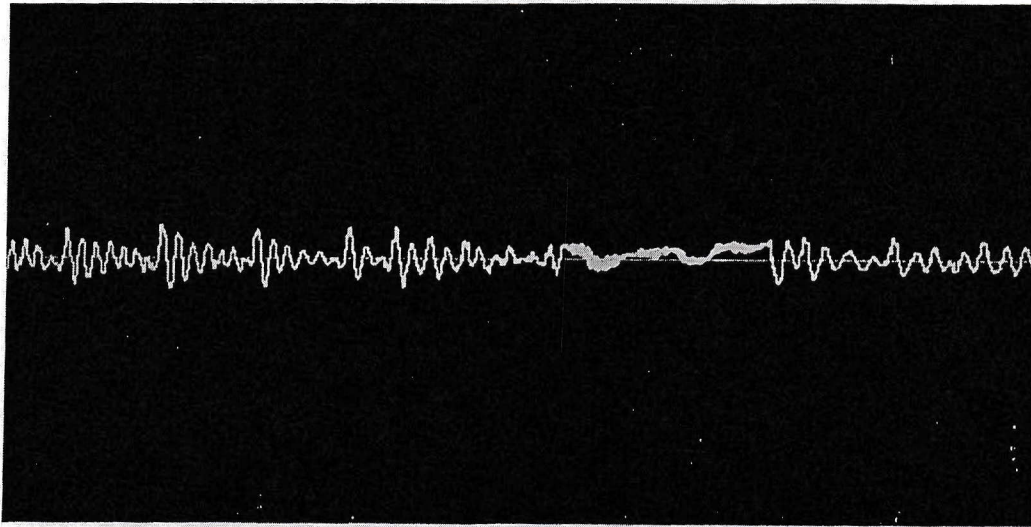
#  
D



A) Drop/cut 00:04:05.328

↑ CUSTODIAL

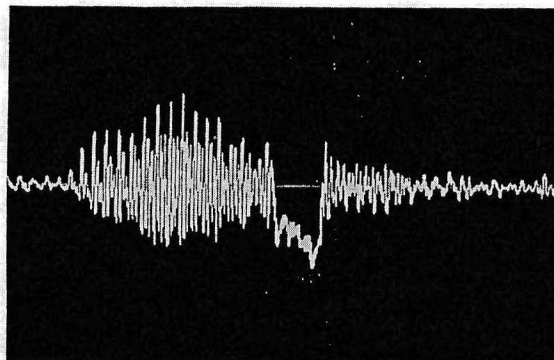
#  
E



B) Drop/cut 00:04:56.684

CUSTODIAL ↑

#  
F



C) Drop/cut 00:05:11.192

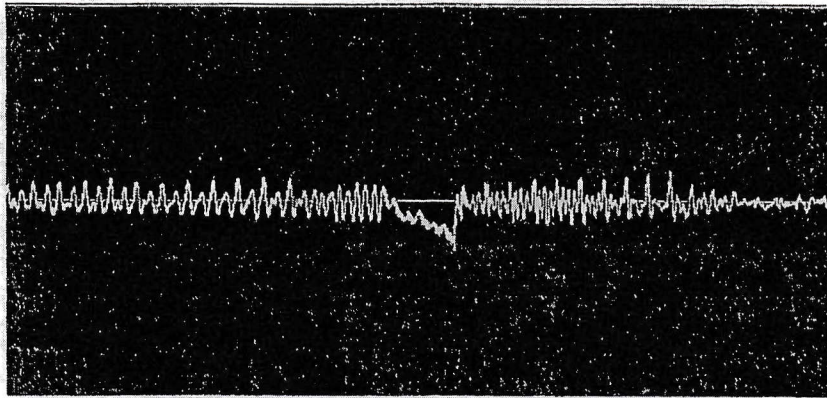
↑ CUSTODIAL  
7

Drop cuts should not exist in unaltered evidence  
Splicing of audio, proof of deception,  
destroying potential exculpatory,  
impeaching evidence



REC'D 9-24-29

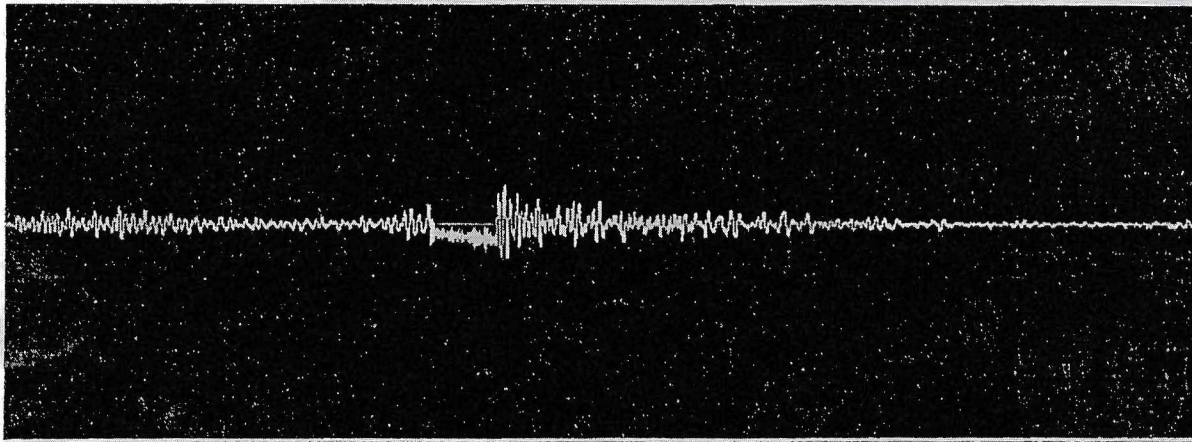
G



D) Drop/cut 00:05:36.863

CUSTODIAL

H



E) Drop/cut 01:14:00.687

2 MIN CUSTODIAL REMOVED

### Preliminary Conclusion

Based on the digital media evidence I received, these are five of the many anomalies that were discovered in the recorded audio. These drop/cuts are abnormal due to how often they occur in the recording file. Phase 2 (which is complete clarification and analysis of recording integrity of the 3 hour and 40 minute recording) and phase 3 (the phonetic transcription) needs to be completed before a final result of the analysis can be revealed.

THERE ARE MORE THAN  
100 (ONE HUNDRED) SPLICES  
VERIFY



Re: John Henry Yablonsky vs. The People - Case - FVI900518 - PC1172.6

REC'D 10-1-25

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com; nlw41@aol.com

Date: Wednesday, October 1, 2025 at 08:56 AM PDT

CREATED ON  
MARCH 9, 2009

Morning Kenneth,

I just talked with the audio expert on Yablonsky's case so please take note:

1. How Yablonsky was convicted appears to be by rumor not evidence for fact.
2. There is a lot of mumbling in the tape which the audio tech can get out.
3. There are numerous DROPS and CUTS, this is found via dictaphone use or DSS.
4. Chops and cuts change words and there are at least 50 (fifty).
5. Your focus should be on that instead of conspiracy.
6. *To mess with the integrity of a tape, that is the issue.*
7. The verbal slate (time and date) at one location is turned off. Then when it is turned on again it leaves the appearance that it was continuance, but it was not. This is your issue, this makes your case.

Get another motion so the audio expert can show all of this because you are entitled to a Non-Cut recording.

There should be concentration only on fact of what exist in evidence.  
The time line will show verbal slates are off.

NWIS

*Naum Ware Investigative Services*

2230 S. Malcolm Ave

Ontario Ca. 91761

*Private Investigator*

California P. I. Lic # 27647

909 935-5818

Email: [nlw41@aol.com](mailto:nlw41@aol.com)

ORIGINAL COPY GIVEN  
TO TRIAL COUNSEL, POST TRIAL  
COUNSEL WAS DESTROYED BEFORE  
GIVEN TO THEM

SPLICED EVIDENCE

50+ TIMES... OCT  
GCTCHA 4  
C

14

18



REC'D 11-28-25

Naum Ware

Investigation Services

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

People vs. John H. Yablonsky  
Case # FVI900518

This is a declaration in re the work being done on audio in re the  
Case of John Yablonsky.

Due to the mumbling of John throughout the interview, the police twisted his words  
figuring no one would catch it. Well, the audio expert did catch it.

The audio expert has to take a picture, then capture each cut.  
It is laborious and he even has two other experts working with him.  
There must be over one hundred splices into the actual interview which the police  
botched.

This work will not be completed until at least three weeks. So, to be safe, we will need  
until at least the second week of January to produce a full report showing the  
MALFEASANCE these police went through to frame this client.

Submitted.

ALTERED ANSWERS.

PHYSICAL PROOF

MULTIPLE EXPERTS

HUNDREDS OF ALTERATIONS TO ORIGINAL

GS MEDIA LAB  
THOMAS GUZMAN  
(818) 399-1255

(VERBAL CONFIRM)



MUST SEE  
INVESTIGATORS  
REPORT EXHIBIT  
ATTACHED HERE CC

ACCORDING TO REC  
49 + 49A WERE E  
ALICE IN AUDIO

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

WHERE IS THE 1-26-11  
COPIES?

BRADY - FRANK LIRON CO. 12  
PC 134-135

INSTEAD OF THE 1-26-2011 VERSION  
BUT + SWITCHED  
WHICH IS A DIFFERENT COPY  
MADE ON 11-23-10  
EVIDENCE

1-26-2011 TRANSCRIPT  
PLACED ON PC  
1-27-2011

SWITCHED OUT  
WITH 1-23-10

SUBMITTED  
HERE  
1-26-24

EXHIBIT #  
CASE # FV1800518  
NAME PEOPLE-V-YABLONSKY, JOHN  
DATE FILED 1-27-11  
DATE ENTERED 1-27-11  
FILED A

2C

5/61

I-1



26123

COPY OF STATE EXHIBIT 49A <sup>1st</sup> 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.

ENDED  
1313NRS

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.

3-8-09  
@ 1445HRS  
3H 58m ORIGINAL  
RECORDED TIME  
WHERE IS THE MISSING  
EIGHTEEN MINUTES?  
50 CUT + SPICINGS  
DESTROYED EVIDENCE

NOTICE

113  
VS  
136 = ?

28

63  
Reviewed by Det. Rob Alexander

Page 1 of 113

#A1672

November 23, 2010

01

101

20  
10



INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

PLANTED EVIDENCE

CHANGED ANSWER

NO TO um, YEA

50 64

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 or . . . .

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

FROM "NO" TO "um YEA" 1-7-2555

ALTERED FROM [NO] AUDIO + VISUAL

TO "um, YEA" SEE EXHIBIT 4 CD

STAFF EXHIBIT 47

ALTERED ANSWER

AL 4 22 10

# PLANTED EVIDENCE

10-15-10 1-7-850



INTERVIEW WITH JOHN YABLONSKY STATE 49

DP #1551933-07 / H #1985-100

1-7-11 2-5 SEC. (v) Rita Cobb

CHANGED  
ANSWER  
FROM YES  
TO NO

1 JY: No

2 RA: Did she have a passkey to your apartment?

ALTERED FROM  
[YES SHE DID] AUDIOTAPED  
TO [NO] SEC CD DISC  
EXHIBIT 4951

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?

1477

23

20

20

65  
58



COMPLETE REDACTION  
OF 11 TWO MINUTE CUSTODIAL  
? WHERE IS IT  
AT ?

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Gobb

think some things that we're gonna talk about are gonna be a little bit private,  
embarrassing and I just wanna make sure that we're in a comfortable location um,  
kind of away from your wife. <sup>NEVER SAID DURING INT.</sup> Do you mind going with us? <sup>CUSTODIAL REDACTED</sup>

JY: Where are we going?

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

JY: I guess so.

RA: I appreciate it.

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

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

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

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

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

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

JY: Hey Mel, Melody?

GM: Hi, how are you?

UN: (Inaudible)

RA: Hi.

UN: (Inaudible) Uh, here Montana.

UN: Montana here.

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

RA: He looks like a big friendly dog.

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

UN: Who?

REDACTED

DESTACY EXCULPATORY,  
IMPROVING EVIDENCE

MISSING  
2 MINUTE  
CUSTODIAL  
ARGUMENT ABOUT  
BEING FORCED TO POLICE  
STATION INSTEAD  
NON-CUSTODIAL  
MIRANDA  
VERIFIED  
(MONTANA)

66  
59

I-10 24

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

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7 RA: The following interview will be reference to case number 07-88. (overlapping  
8 conversation)

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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

Reviewed by Det. Rob Alexander

Page 1 of 136

#A1672

November 23, 2010

R-7

NOTICE

136  
VS  
113

I 3  
17 1/2

75



REC'D 5-2-25

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 FV1900518. 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.

*George Vincent Yablonsky*  
*George Yablonsky*

May 2nd, 2025

George Vincent Yablonsky

760-475-3109

CHAIN OF CUSTODY

REC'D 5-2-25


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 15<sup>th</sup>, 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 27<sup>th</sup>, 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

CHAIN OF CUSTODY

11

7



RT 403,455, 508:18-509:4

## Cal. Rules of Prof'l Conduct, Rule 3.3

This document reflects first and last orders received through January 15, 2025. Rules are current through January 15, 2025.

CA - California Local, State & Federal Court Rules > RULES OF THE STATE BAR OF CALIFORNIA > Rules of Professional Conduct > Chapter 3. Advocate

### Rule 3.3. Candor Toward the Tribunal\*

---

(a) A lawyer shall not:



(1) knowingly\* make a false statement of fact or law to a tribunal\* or fail to correct a false statement of material fact or law previously made to the tribunal\* by the lawyer;

THOMAS  
FERMIN

(2) fail to disclose to the tribunal\* legal authority in the controlling jurisdiction known\* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly\* misquote to a tribunal (\*) the language of a book, statute, decision or other authority; or

THOMAS  
FERMIN

(3) offer evidence that the lawyer knows\* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know\* of its falsity, the lawyer shall take reasonable\* remedial measures, including, if necessary, disclosure to the tribunal,\* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes\* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal\* and who knows\* that a person\* intends to engage, is engaging or has engaged in criminal or fraudulent\* conduct related to the proceeding shall take reasonable\* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal\* of all material facts known\* to the lawyer that will enable the tribunal\* to make an informed decision, whether or not the facts are adverse to the position of the client.

### History

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Rule 3.3 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

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## Cal. Rules of Prof'l Conduct, Rule 3.4

This document reflects first and last orders received through October 15, 2025. Rules are current through October 15, 2025.

CA - California Local,

State & Federal Court Rules

>

RULES OF THE STATE BAR OF CALIFORNIA

>

Rules of Professional Conduct

>

Chapter 3. Advocate

### Rule 3.4. Fairness to Opposing Party and Counsel

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A lawyer shall not:

RAMES  
THOMAS

(a) unlawfully obstruct another party's access to evidence, including a witness, or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person\* to do any such act;

RAMES  
THOMAS

(b) suppress any evidence that the lawyer or the lawyer's client has a legal obligation to reveal or to produce;

RAMES  
THOMAS

(c) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(d) directly or indirectly pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case. Except where prohibited by law, a lawyer may advance, guarantee, or acquiesce in the payment of:

(1) expenses reasonably (\*)incurred by a witness in attending or testifying;

(2) reasonable\* compensation to a witness for loss of time in attending or testifying; or

(3) a reasonable\* fee for the professional services of an expert witness;

(e) advise or directly or indirectly cause a person\* to secrete himself or herself or to leave the jurisdiction of a tribunal\* for the purpose of making that person\* unavailable as a witness therein;

(f) knowingly\* disobey an obligation under the rules of a tribunal\* except for an open refusal based on an assertion that no valid obligation exists; or

(g) in trial, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the guilt or innocence of an accused.

### History

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Rule 3.4 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

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## Cal. Rules of Prof'l Conduct, Rule 3.3

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CA - California Local,

State & Federal Court Rules

>

RULES OF THE STATE BAR OF CALIFORNIA

>

Rules of Professional Conduct

>

Chapter 3. Advocate

### Rule 3.3. Candor Toward the Tribunal\*

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(a) A lawyer shall not:

(1) knowingly\* make a false statement of fact or law to a tribunal\* or fail to correct a false statement of material fact or law previously made to the tribunal\* by the lawyer;

(2) fail to disclose to the tribunal\* legal authority in the controlling jurisdiction known\* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly\* misquote to a tribunal (1) the language of a book, statute, decision or other authority; or

(3) offer evidence that the lawyer knows\* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know\* of its falsity, the lawyer shall take reasonable\* remedial measures, including, if necessary, disclosure to the tribunal,\* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes\* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal\* and who knows\* that a person\* intends to engage, is engaging or has engaged in criminal or fraudulent\* conduct related to the proceeding shall take reasonable\* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal\* of all material facts known\* to the lawyer that will enable the tribunal\* to make an informed decision, whether or not the facts are adverse to the position of the client.

### History

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Rule 3.3 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

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## Cal. Rules of Prof'l Conduct, Rule 3.8

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CA - California Local,

State & Federal Court Rules

>

RULES OF THE STATE BAR OF CALIFORNIA

>

Rules of Professional Conduct

>

Chapter 3. Advocate

### Rule 3.8. Special Responsibilities of a Prosecutor

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The prosecutor in a criminal case shall:

- (a) not institute or continue to prosecute a charge that the prosecutor knows (\*) is not supported by probable cause;
- (b) make reasonable\* efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable\* opportunity to obtain counsel;
- (c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights unless the tribunal\* has approved the appearance of the accused in propria persona;
- (d) make timely disclosure to the defense of all evidence or information known\* to the prosecutor that the prosecutor knows\* or reasonably should know\* tends to negate the guilt of the accused, mitigate the offense, or mitigate the sentence, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;\* and
- (e) exercise reasonable\* care to prevent persons\* under the supervision or direction of the prosecutor, including investigators, law enforcement personnel, employees or other persons\* assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 3.6.
- (f) When a prosecutor knows\* of new, credible and material evidence creating a reasonable\* likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:
  - (1) promptly disclose that evidence to an appropriate court or authority, and
  - (2) if the conviction was obtained in the prosecutor's jurisdiction,
    - (i) promptly disclose that evidence to the defendant unless a court authorizes delay, and
    - (ii) undertake further investigation, or make reasonable\* efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.
- (g) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.

#### History

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(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.



# Cal Bus & Prof Code § 6068

Current through Ch. 790 of the legislation from the 2025-2026 Regular Session, effective as of October 13, 2025

*Deering's California*

*Codes Annotated*

**BUSINESS & PROFESSIONS CODE (§§ 1 — 30047)**

**Division 3 Professions and Vocations Generally (Chs. 1 — 21.5)**

**Chapter 4 Attorneys (Arts. 1 — 17)**

**Article 4 Admission to the Practice of Law (§§ 6060 — 6069.5)**

## § 6068. Duties as an attorney

It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (e)
  - (1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.
  - (2) Notwithstanding paragraph (1), an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.
- (g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
- (h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.
- (i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.
- (j) To comply with the requirements of Section 6002.1.

- (k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.
- (l) To keep all agreements made in lieu of disciplinary prosecution with the State Bar.
- (m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.
- (n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.
- (o) To report to the State Bar, in writing, within 30 days of the time the attorney has knowledge of any of the following:
  - (1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.
  - (2) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.
  - (3) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).
  - (4) The bringing of an indictment or information charging a felony against the attorney.
  - (5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.
  - (6) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.
  - (7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.
  - (8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.
  - (9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.
  - (10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

## History

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Added Stats 1939 ch 34 § 1. Amended Stats 1985 ch 453 § 11; Stats 1986 ch 475 § 2; Stats 1988 ch 1159 § 5; Stats 1990 ch 1639 § 4 (AB 3991); Stats 1999 ch 221 § 1 (SB 143), ch 342 § 2 (SB 144); Stats 2001 ch 24 § 4 (SB 352); Stats 2003 ch 765 § 1 (AB 1101), operative July 1, 2004; Stats 2018 ch 659 § 50 (AB 3249), effective January 1, 2019.



## LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)

To: yablonsky@yahoo.com

Date: Thursday, July 31, 2025 at 06:04 AM PDT

REC'D 7-31-25

## CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

On July 22 someone identifying himself as your court-appointed investigator left a phone message asking two questions on your behalf: (1) whether I attempted to authenticate a transcript before introducing it to the jury and (2) whether I moved to suppress an interrogation. I phoned him back the same day but had to leave a voicemail message. I explained that I was the attorney on appeal, not the trial attorney. It is the trial attorney who introduces or objects to evidence and who moves to suppress evidence. All of this is done or not done before the attorney on appeal is appointed, which occurs after conviction and sentencing. The investigator did not return my call.

For a response to the questions, you will need to contact your trial attorney (the San Bernardino County Public Defender). I have no independent recollection of any facts surrounding the two questions, and I returned the file to you when the appeal was concluded.

Good luck in future proceedings.

Richard A. Levy

CHAIN of CUSTODY

APPELLATE COUNSEL  
7-31-25

PROVIDED VERBATIM RECORDS TO FAMILY  
NO KNOWLEDGE OF FRAUD ACTIVITY

9

John Henry Yablonsky #AL0373-2309342444  
9500 Etiwanda  
R.C. Ca. 91739

SENT  
7-11-25

RE: FVI900518 THE PEOPLE VS JOHN HENRY YABLONSKY  
STATES EXHIBIT 49 & 49A "INTERROGATION TRANSCRIPTS"

Dear Geoffrey Canty sir;

On March 10, 2009 you were assigned to my case through the public defender's office and spoke to me at great lengths about states evidences, specifically an interrogation transcript of a march 8, 2009 interrogation. The district attorney gave you, your office a copy of that interrogation, in transcript form, one text transcript and one audio transcript. They were identified as states DR#1331036-07 EXHIBITS 49 & 49A.

There is a major discrepancy with regards to the authenticity and accuracy of those transcripts. 1) They do not match real time recordings 2) They do not match one another 3) They show the people had altered answers 4) They show that custodial markers were redacted 5) One copy shows MIRANDA was redacted.

Please, you are a real advocate of the states laws, and a true compliment to your legal profession and I thank you for your advocacy for my constitution, but, I now require a couple answers from you, if you won't mind. I am currently litigating under felony- murder, your response is needed ASAP, please

1) Did you ever verify that the audio portion transcript whether it matched the text transcript, and if you did not, please explain why, if you did what was your findings?

2) The audio portion of that transcript was over 3 hours in length, did you authenticate whether exhibit 49A was accurately transcribed from exhibit 49? If you did please explain what you found? If you did not, please explain why you did not have this evidence examined?

3) Who from the district attorney's office gave you that evidence, and when?

I know that this case is old, but, this case was historical, your participation in this case would have made a difference had you stayed on it, but the public defender's office replaced you. I need your help as a true advocate of the state laws. I need your response to be mailed to my current data provided at the top of this letter. You are ethically required to respond

July 11, 2025

John Henry Yablonsky

NC RESPONSE

TELETYPE ATTACHED RETIRED

CHAIN OF CUSTODY - DUE DILIGENCE



REC'D 7-28-25

Fw: John H. Yablonsky FVI900518

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com

Date: Monday, July 28, 2025 at 05:48 AM PDT

----- Forwarded Message -----

From: nlw41@aol.com &lt;nlw41@aol.com&gt;

To: geoffrey.canty@pd.sbcounty.gov &lt;geoffrey.canty@pd.sbcounty.gov&gt;

Sent: Tuesday, July 22, 2025 at 10:11:24 AM PDT

Subject: John H. Yablonsky FVI900518

PD Canty I am the court appointed P.I. for D-Yablonsky.

He wanted to ask two questions which I put on your phone.

1. Did you or your office ever authenticate States Exhibit 49 and 49A, to verify the verbatim transcripts of the March 8th, 2009 Interrogation?&gt;

1a If you did, what did you find?

1b If you did not, why not?

2. Did your office notice the Warrant to arrest Mr. Yablonski issued 4 days before the interrogation?

If your office did why didn't you file a suppression motion?

DUE DILIGENCE

w/ TRIAL COUNSEL

CANTY/

CHAIN OF CUSTODY

19 1/2

11

Re: John Henry Yablonsky vs. The People - Case - FVI900518 - (Exhibit 49 Audio)

From: Thomas Guzman-Sanchez (vfi@gsmedialab.com)

To: yablonsky@yahoo.com

Date: Tuesday, September 2, 2025 at 11:47 AM PDT

REC'D 9-2-25

The edits are confirmed.

--- On Tue, 02 Sep 2025 10:50:44 -0700 yablonsky@yahoo.com wrote ---

Good Morning GS Media,

This is in regards to my brothers conversation you had with him earlier today.

According to your conversation, you discussed findings with regards to States Exhibit 49, that your software detected 7 splicings within the first hour of this alleged original recording.

In anticipation of your report, John just wants to confirm exactly what you said about the 7 edits that you found, just within the first hour of this audio recording alone.

John appreciates your integrity and looks forward to a full report at your earliest convenience.

Respectfully for,

John Henry Yablonsky

Ken Yablonsky  
562-889-7370  
[yablonsky@yahoo.com](mailto:yablonsky@yahoo.com)

On Friday, August 22, 2025 at 05:37:49 PM PDT, Kenneth Yablonsky <[yablonsky@yahoo.com](mailto:yablonsky@yahoo.com)> wrote:

Hello Thomas,

My brother called and explained that you found some issues with the DSS file being "compressed" or "decompressed".

These files were emailed to our father on 8/15/2014 at 3:11PM. I have a printout of the original email that was sent by Richard Levy.

The email details that it includes only 2 files; the DSS file and the Dss1211E.exe file to listen to the DSS audio recording.



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

People vs. Yablonsky, John  
Case # **FV1900518**

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 Yablonky, 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!



REVIEW STATES EXHIBIT  
49A CREATED ON 11-23-10

REC'D 5-7-25

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.

*FRAUD*  
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".

*FRAUD*  
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.

PAGE # 5 OF 5

NAUM WARE INVESTIGATION  
(909) 935-5818

CUSTODIAL  
INVESTIGATION

RESTRICTED MOVEMENT

NO MIRANDA

FRAUD - ALTERED ANSWERS

PLANNING EVIDENCE TO REAFFIRM

Re: John Henry Yablonsky vs. The People - Case - FVI900518 - PC1172.6

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com; nlw41@aol.com

Date: Wednesday, October 1, 2025 at 08:56 AM PDT

h  
DISCOVERY  
4

Morning Kenneth,

I just talked with the audio expert on Yablonsky's case so please take note:

1. How Yablonsky was convicted appears to be by rumor not evidence for fact.
2. There is a lot of mumbling in the tape which the audio tech can get out.
3. There are numerous DROPS and CUTS, this is found via dictaphone use or DSS.
4. Chops and cuts change words and there are at least 50 (fifty).
5. Your focus should be on that instead of conspiracy.
6. ~~To mess with the integrity of a tape, that is the issue.~~
7. The verbal slate (time and date) at one location is turned off. Then when it is turned on again it leaves the appearance that it was continuance, but it was not. This is your issue, this makes your case.

Get another motion so the audio expert can show all of this because you are entitled to a Non-Cut recording.

There should be concentration only on fact of what exist in evidence.

The time line will show verbal slates are off.

NWIS

*Naum Ware Investigative Services*

2230 S. Malcolm Ave

Ontario Ca. 91761

**Private Investigator**

California P. I. Lic # 27647

909 935-5818

Email: [nlw41@aol.com](mailto:nlw41@aol.com)

9A



## LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)

To: yablonsky@yahoo.com

Date: Thursday, July 31, 2025 at 06:04 AM PDT

### CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

On July 22 someone identifying himself as your court-appointed investigator left a phone message asking two questions on your behalf: (1) whether I attempted to authenticate a transcript before introducing it to the jury and (2) whether I moved to suppress an interrogation. I phoned him back the same day but had to leave a voicemail message. I explained that I was the attorney on appeal, not the trial attorney. It is the trial attorney who introduces or objects to evidence and who moves to suppress evidence. All of this is done or not done before the attorney on appeal is appointed, which occurs after conviction and sentencing. The investigator did not return my call.

For a response to the questions, you will need to contact your trial attorney (the San Bernardino County Public Defender). I have no independent recollection of any facts surrounding the two questions, and I returned the file to you when the appeal was concluded.

Good luck in future proceedings.  
Richard A. Levy

APPELLATE COUNSEL

LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)  
To: yablonsky@yahoo.com  
Date: Thursday, July 31, 2025 at 06:04 AM PDT

CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

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Good luck in future proceedings.  
Richard A. Levy

7-31-25  
APPELLATE COUNSEL  
CHAIN OF CUSTODY



Court

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
JOSHUA TREE DISTRICT

JAN 12 2026

John Henry Yablonsky  
# AL0373-2309342444  
9500 Etiwanda  
Rancho Cucamonga, CA 91739  
In Propria Persona

BY Melissa Simendich  
MELISSA SIMENDICH, DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

JOHN HENRY YABLONSKY,  
PETITIONER

VS.

PEOPLE OF THE STATE OF CALIFORNIA  
RESPONDENT

Case No.: FVI900518 - PC1172.6

NOTICE OF MOTION AND MOTION TO  
RECONSIDER AND VACATE

EMERGENCY FILING

Date: 1/12/2026

Dept: M2

Time: 0830

DENY

LACE  
J. ASPECT

COLLECT

1000

The Honorable Judge James Taylor

Petitioner John Henry Yablonsky respectfully moves this Court for an order:

1. **Reconsidering** the Court's January 9, 2026 denial of Petitioner's post-conviction petitions;
2. **Vacating or striking** the Court's reliance on verdict-based presumptions and CALCRIM Nos. 521 and 540a; and
3. **Requiring adjudication of all pending motions and evidentiary submissions** challenging the integrity of the evidence underlying the conviction **before** further reliance on the verdict or jury instructions. **THE PEOPLES EXHIBIT 49 & 49A ARE FRUITS OF FRAUDULANT MISCONDUCT NAPUE-ALCORTA-TROMBETTA-BRADY**

This motion is based on the Court's inherent authority, due-process principles, Penal Code section 1473, governing case law, the Court's continuing jurisdiction over unresolved motions, and the record and exhibits on file.

## I. INTRODUCTION

On January 9, 2026, this Court began denying Petitioner's post-conviction petitions **without ruling on any of Petitioner's pending motions, without considering newly presented evidence, and without analyzing the trial record, basing denial solely on CALCRIM Nos. 521 and 540A.**

Those instructions **presume a valid, untainted verdict.** However, at the time of denial, the Court had before it **pending motions and evidence establishing that the only incriminating evidence used at trial—Petitioner's alleged extrajudicial statement—was scientifically proven to be false, altered, and manufactured.**

A court may not deny post-conviction relief while **assuming the validity of evidence that has not yet been adjudicated as authentic.** Doing so violates due process and renders the denial **structurally defective.**

## II. GOVERNING LEGAL STANDARD

The California Supreme Court recently reaffirmed the governing rule in *People v. Patton*, 17 Cal.5th 568 (2025):

**"Petitioner confronting a record of conviction that demonstrates relief is unavailable have the burden of coming forward with non-conclusory allegations that would necessarily inform the court and prosecutor what issues an evidentiary hearing would entail. The court countering the factual dispute may not resolve the issue at the prima facie stage."**

(*Id.* at p. 568, emphasis added.)

Here, Petitioner **did exactly what *Patton* requires—and more.**

Petitioner did not rely on conclusory allegations. He presented **physical, scientific, expert-verified evidence** establishing that the "original" statement evidence relied upon at trial was **fabricated decades after the crime and years before trial, and could not have been discovered earlier due to technological limitations.**

Yet the Court **resolved the dispute anyway, at the prima facie stage, without ruling on the motions or evidence, and without an evidentiary hearing,** in direct contravention of *Patton*.



### **III. NEWLY DISCOVERED SCIENTIFIC EVIDENCE**

#### **(Non-Conclusive, Physical, and Previously Undetectable)**

The record before the Court includes **newly discovered scientific evidence** demonstrating:

1. The prosecution's purported "original" audio statement was **manufactured approximately two years before trial, and approximately twenty-five (25) years after the 1985 homicide;**
2. Advanced forensic audio analysis using **iZotope RX6—technology not available at the time of trial or earlier post-conviction proceedings—identified:**
  - o **More than 318 discrete cuts and splices** within the audio file;
  - o Systematic manipulation inconsistent with analog-to-digital transfer artifacts;
3. Audio experts further determined that the **verbal slate was deliberately turned off and on to conceal the true recording date**, thereby disguising the fabrication as a contemporaneous interrogation recording.

This is **physical scientific evidence**, not argument.

It directly contradicts the prosecution's trial theory and **undermines the sole incriminating evidence used to obtain the conviction.**

### **IV. THE COURT COULD NOT RELY ON CALCRIM 521 AND 540A**

#### **WITHOUT FIRST RESOLVING THE EVIDENTIARY DISPUTE**

CALCRIM Nos. 521 and 540A do not operate in a factual vacuum. They are **derivative legal instructions** that assume:

- A valid evidentiary foundation;
- Authentic, truthful inculpatory evidence;
- A verdict untainted by fabrication or falsification.

Where the **only evidence supporting the verdict is alleged—supported by expert proof—to be false**, reliance on those instructions **begs the very factual question in dispute.**

Under *Patton*, the Court was required to:

1. Accept the non-conclusory allegations as true at the prima facie stage;
2. Refrain from resolving the factual dispute; and
3. Proceed to adjudication of the evidentiary challenge before denying relief.

The Court did none of these.

#### **V. THE JANUARY 9, 2026 DENIAL IS VOIDABLE**

#### **BECAUSE IT RESTS ON UNADJUDICATED, DISPUTED EVIDENCE**

The denial is constitutionally defective because:

- Pending motions challenging evidentiary integrity were ignored;
- Scientific evidence establishing fabrication was not considered;
- The Court resolved factual disputes at the prima facie stage;
- The denial relied on verdict-based presumptions that **collapse if the evidence is false.**

A ruling rendered under these circumstances **cannot stand.**

#### **VI. RELIEF REQUESTED**

Petitioner respectfully requests that the Court:

1. **Reconsider and vacate** the January 9, 2026 denial **to the extent it relies on CALCRIM Nos. 521 and 540A;**
2. **Strike or vacate reliance on verdict-based presumptions** pending adjudication of evidentiary integrity;
3. **Rule on all pending motions and evidentiary submissions** challenging false evidence;
4. **Order further proceedings consistent with *People v. Patton*,** including evidentiary development as required; and
5. Grant any other relief the Court deems just and proper.



## VII. REASONS THIS MOTION SHOULD BE GRANTED

### a. The *Anaya* case does *not* overrule *People v. Patton*.

#### Different Courts & Authority

- **People v. Patton, 17 Cal.5th 549 (2025)** is a **California Supreme Court decision** interpreting **Penal Code § 1172.6** and how courts should assess prima facie eligibility for resentencing based on the record of conviction. The Supreme Court's rulings are *binding on all lower California courts*. (Justia)
- **People v. Anaya** (the case you cited at 225 Cal. App. Lexis 871) is a **Court of Appeal opinion**. An appellate decision **cannot overrule a Supreme Court precedent** — it must follow it unless the Supreme Court itself has subsequently changed the law. Appellate opinions can *distinguish* Supreme Court precedent, but they do not *overrule* it.

#### What *Patton* Actually Says

In *Patton*, the California Supreme Court held that:

- At the § 1172.6 prima facie stage, a court may consider unrefuted evidence from the record of conviction — including preliminary hearing testimony — to determine that a petitioner is *ineligible* for relief because the person was the actual perpetrator or otherwise not entitled to resentencing. (Justia)

This establishes that **reliance on uncontested record evidence can defeat a prima facie showing of eligibility** for § 1172.6 relief.

#### What *Anaya* Did

- The appellate court upheld the denial of a § 1172.6 resentencing petition at the prima facie stage because the record showed the defendant was convicted as a *direct perpetrator* with intent — not based on vicarious liability. (Justia)
- This is **entirely consistent with *Patton*** — both cases treat clear record evidence showing direct perpetration/intent as grounds to deny relief early.
- **THE PEOPLE'S RECORD IS CRYSTAL ON THIS POINT. THERE ARE AT LEAST 17 OTHER DNA SUSPECTS TO THIS CASE THAT DO NOT MATCH PETITIONER, AND ONE OF THOSE DNA'S WAS FOUND ON THE MURDER WEAPON. A MURDER WEAPON THAT DOES NOT HAVE PETITIONER'S DNA ON IT! THE RECORD IS ALSO CRYSTAL THAT THE ONLY DNA FOUND AT THIS CRIME SCENE IN AN**

**UNRELATED MANNER PREDATES THE CRIME BY MULTIPLE DAYS! (RT317-CRIMINALIST DONALD JONES-"SEVERAL DAYS OLDER") (RT491-PATHOLOGIST WILLIAM SAUKEL-"AT LEAST ONE AND A HALF DAYS OLDER")**

- **THE APPELAT RECORD CONSIDERING THE TRIAL RECORD WAS VERY CLEAR IN THEIR REVIEW OF THE TRIAL EVIDENCE.**
- **THE APPELAT RECORD ON PAGE 17 GIVES TREE VERY PROFOUND FINDINGS REGARDING THE PETITIONER'S DNA AND THE ACTUAL MURDER EVIDENCE:**
  - **FIRST BEING THAT THE EVIDENCE DOES SUGGEST A SEPARATE SUSPECT BESIDES THE PETITIONER AS THE ACTUAL KILLER!**
  - **SECOND BEING, AFTER REVIEWING THE ENTIRE RECORD THE COURT OF APPEAL CONCLUDED THAT RITA MAY HAVE BEEN WAYLAYED IN THE PARKING LOT OF THE ZODIAC LOUNGE.**
  - **THIRD BEING, THE COURT OF APPEAL RECOGNIZES THAT GREGORY RANDOLPH HAD CONFESSED TO THE CRIME, AND HIS CONFESSION LED TO SPECIAL INVESTIGATIONS, PLACING REASONABLE DOUBT INTO THE SENATE BILL 1437 AND 775 HOLDINGS.**

The fact that the People charged the petitioner in this case was consistently contingent on the People's fabrication of the evidence where the prosecutor fabricated evidence placing keys in the petitioner's possession to incriminate him. This is also consistent with the fact that the only reason Gregory Randolph was never tried for this case is because he committed suicide before forensic evidence corroborated his confession.

**Gregory Randolph's DNA was in fact located at Rita Cobb's crime scene, contradicting the People's now argument that John Henry Yablonsky is/was the only suspect. The only evidence connecting the petitioner to this crime in an incriminating way is the People's fabricated extrajudicial statement.**

**The People's sole argument in their reply, on page 3, lines 5-8, is that the only evidence the jury relied on to find the petitioner guilty is the petitioner's DNA, which predates the crime, and the defendant's extrajudicial statement.**

**This is the primary reason the forensics report for the People's exhibit 49 is material to the issue of guilt. During the January 9, 2026, hearing the District Attorney openly admitted that the defendant's extrajudicial statement evidence, used during trial, has**



15  
been destroyed. This now calls into question why would the District Attorney put evidence that the jury has never seen into these prima facie proceedings.

Petitioner's Private Investigator Naum Ware has physically proven that the People's exhibit 49A was illegally altered when the prosecutor planted evidence onto the petitioner by changing the petitioner's answers!

During post-trial litigations in case # WHCSS1200311, District Attorney Ferguson confirms that the trial statement evidence used in this case also showed petitioner allegedly having keys to Rita's house.

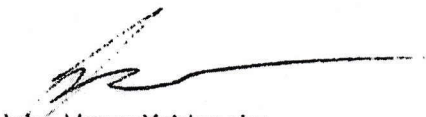
This is precisely why the integrity of the original recording, as well as any subsequent copies, must be called into question.

15

**VERIFICATION**

I John Henry Yablonsky, an adult party to the action declare under penalty of perjury the foregoing are true and accurate according to belief and knowledge.

January 11, 2026

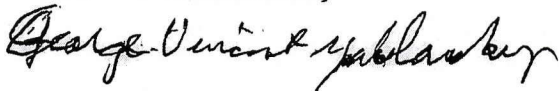
  
John Henry Yablonsky

**Proof of service**

I George Vincent Yablonsky, an adult non-party to this actual declare under penalty of perjury that I have personally served the motion to vacate to the below stated parties on January 12, 2026.

- Superior Court of California, 6527 White Feather Road, Joshua Tree, California 92252
- District Attorney of San Bernardino, 6527 White Feather Road, Joshua Tree, California 92252

George Vincent Yablonsky



1/12/2026



# GS MEDIA LAB

September 29, 2025

DECLARATION IN SUPPORT OF MOTION FOR APPOINTMENT OF EXPERT

I, THOMAS GUZMAN-SANCHEZ, declare as follows:

I am a member of the Los Angeles Superior Court Expert Witness Panel.


On June 06, 2025 I was appointed to conduct audio forensic lab services for the defense (John Henry Yablonsky case #FVI900518). I was authorized to provide twenty (20) hours of non-testimonial services for the defense. I have proceeded to do the requested analysis, lab services and consultation. Additional analysis and production services are required for the completion of this appointment

I have prepared an initial preliminary report reflecting the results from phase one of the analyses, which is attached hereto as **EXHIBIT A**. I have also provided details of service provided and what is needed to complete the appointment, which is attached hereto as **EXHIBIT B**. I need to continue to phase 2 and 3 to complete the requested phonetic transcription and complete report to the Defense.

Based on the twenty (20) hours I've expended so far on this case for review, clarification and analysis, I am requesting the Court approve an additional twenty (20) hours of lab services and forensic production. This includes: phonetic transcription continued analysis, file authoring and preparation of the final report.

I declare under penalty of perjury under the laws of the State of California that the facts stated in the foregoing are true and correct.

Executed on this 29<sup>th</sup> day of September 2025, in Los Angeles, California.

By 

THOMAS GUZMAN-SANCHEZ  
AVF - Expert  
GS Media Lab

GS MEDIA LAB  
19210 DEARBORN ST. NORTHRIDGE, CA 91324 USA  
VOICE: 818.727.1979 CELL/TEXT: 818.399.1255  
e mail: vfi@gsmedialab.com

AUDIO  
EXPERT

PROOF OF FRAUD UPON COURT

APPOINTED  
6-6-25

12ECU 4-29-25

	Dssl211E.exe	Interview John Yablonsky (03-08-09) H #100-85.DSS
<b>File</b>		
<b>Name</b>	Dssl211E.exe	Interview John Yablonsky (03-08-09) H #100-85.DSS
<b>Size</b>	2.17 MB (2173358 bytes)	22.9 MB (22875648 bytes)
<b>Kind</b>	Microsoft Executable	Unix Executable File
<b>UTI</b>	com.microsoft.windows-executable	dyn.ah62d46dzqm0gw23ssz1gw8brqz6gn25zsvu0e5df hk2x43dxsq
<b>Location</b>	/Volumes/PACE_PRVT-1/San Bernardino Submissions/YABLONSKY naum ware VICTORVILLE/ YABLONSKY Recorded Interview	/Volumes/PACE_PRVT-1/San Bernardino Submissions/ YABLONSKY naum ware VICTORVILLE/YABLONSKY Recorded Interview
<b>Created</b>	February 20, 2019 9:20:42 AM	March 9, 2009 7:30:40 AM
<b>Modified</b>	February 20, 2019 9:20:42 AM	March 9, 2009 7:30:40 AM
<b>Container</b>		
<b>Format</b>	MZ	
<b>Format profile</b>	Executable / Intel i386	
<b>Encoded date</b>	UTC 2001-09-05 17:02:57	

← CREATED  
3-9-09  
@ 0730HR

**Extraction:**

The extraction technician for the files is unknown and there was no official extraction report included with this DME.

**Extraction Details:**

**1) InterviewJohnYablonskyInterview(03-08-09).mp3**

Created: November 11, 2020 10:35:22 AM

Modified: November 11, 2020 10:35:22 AM

Encoded & Tagged: None

**2) Interview John Yablonsky (03-08-09) H #100-85.DSS**

Created: March 9, 2009 7:30:40 AM

Modified: March 9, 2009 7:30:40 AM

Encoded & Tagged: None

**3) Dssl211E.exe**

Created: February 20, 2019 9:20:42 AM

Modified: February 20, 2019 9:20:42 AM

UTC: 2001-09-05 17:02:57

4

14



REC'D 9-29-25



B



C

[illegible]

6

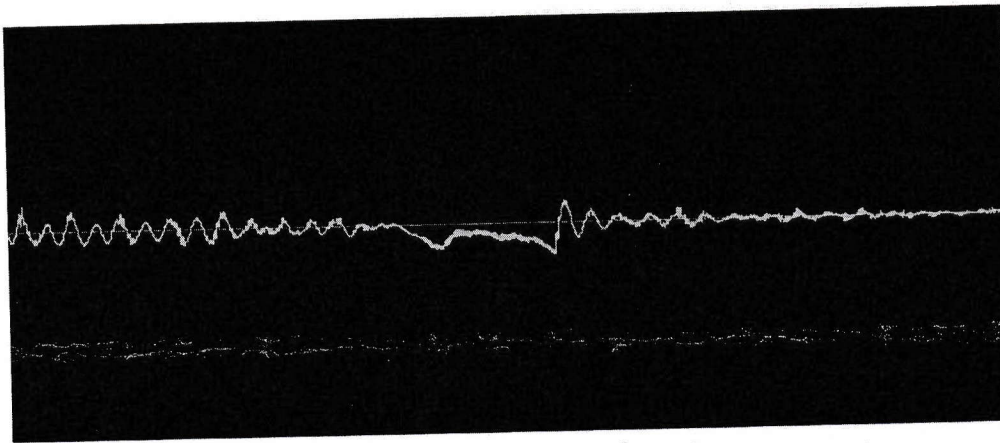
15

RECD 9-29-25

Drop/cut examples from file:

1) InterviewJohnYablonskyInterview(03-08-09).mp3

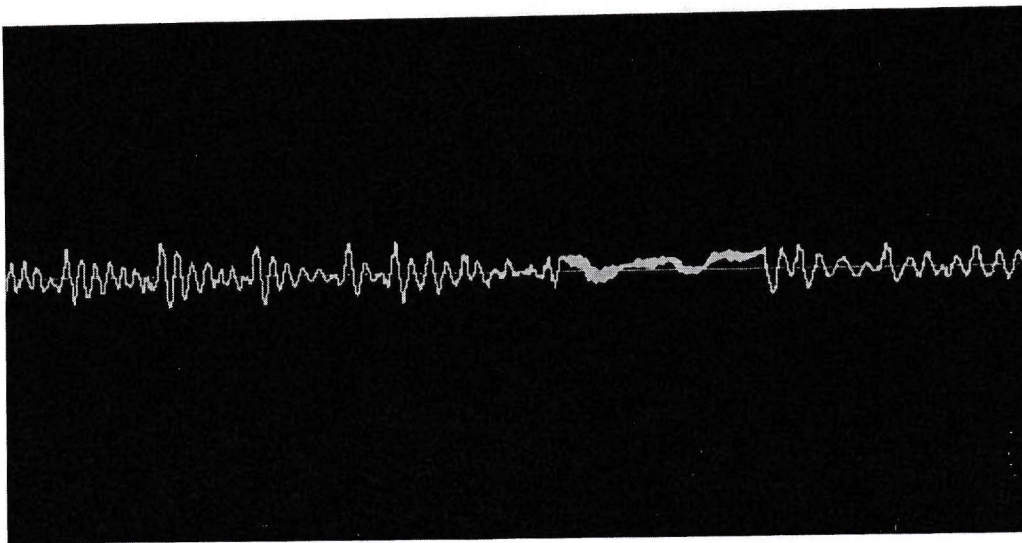
#  
D



A) Drop/cut 00:04:05.328

↑ CUSTODIAL

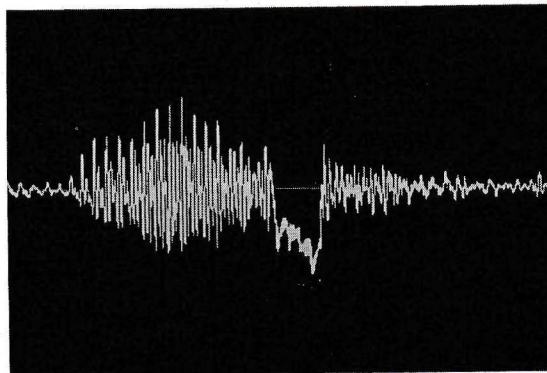
#  
E



B) Drop/cut 00:04:56.684

CUSTODIAL ↑

#  
F



C) Drop/cut 00:05:11.192

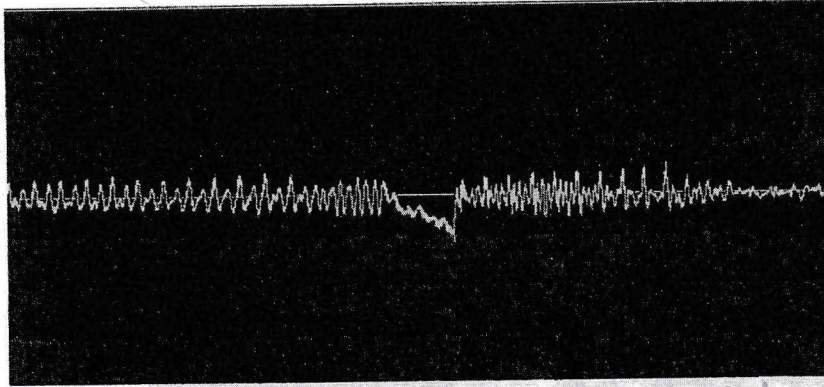
↑ CUSTODIAL  
7

DEEP CUTS SHOULD NOT EXIST IN UNALTERED EVIDENCE  
SPlicing OF AUDIO, PROOF OF DECEPTION,  
DESTROYING POTENTIAL EXCULPATORY,  
IMPEACHING EVIDENCE



REC'D 9-24-25

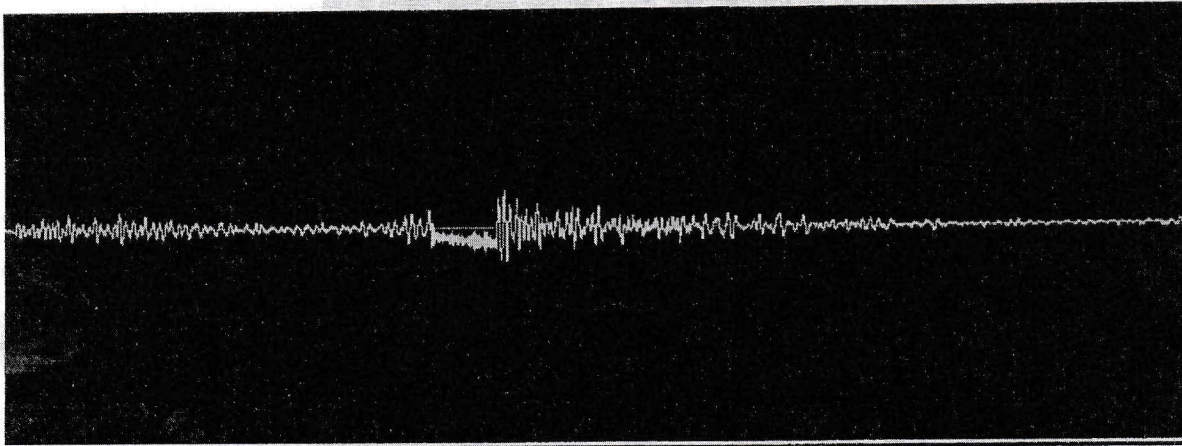
G



D) Drop/cut 00:05:36.863

↑ CUSTODIAL

H



E) Drop/cut 01:14:00.687

↑ 2 MIN CUSTODIAL REMOVED

### Preliminary Conclusion

Based on the digital media evidence I received, these are five of the many anomalies that were discovered in the recorded audio. These drop/cuts are abnormal due to how often they occur in the recording file. Phase 2 (which is complete clarification and analysis of recording integrity of the 3 hour and 40 minute recording) and phase 3 (the phonetic transcription) needs to be completed before a final result of the analysis can be revealed.

THERE ARE MORE THAN  
100 (ONE HUNDRED) SPICES  
VERIFY

Re: John Henry Yablonsky vs. The People - Case - FVI900518 - PC1172.6

REC'D 10-1-25

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com; nlw41@aol.com

Date: Wednesday, October 1, 2025 at 08:56 AM PDT

CREATED ON  
MARCH 9, 2009

Morning Kenneth,

I just talked with the audio expert on Yablonsky's case so please take note:

1. How Yablonsky was convicted appears to be by rumor not evidence for fact.
2. There is a lot of mumbling in the tape which the audio tech can get out.
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There should be concentration only on fact of what exist in evidence.

The time line will show verbal slates are off.

NWIS

*Naum Ware Investigative Services*

2230 S. Malcolm Ave

Ontario Ca. 91761

*Private Investigator*

California P. I. Lic # 27647

909 935-5818

Email: [nlw41@aol.com](mailto:nlw41@aol.com)

ORIGINAL COPY GIVEN  
TO TRIAL COUNSEL, POST TRIAL  
COUNSEL WAS DESTROYED BEFORE  
GIVEN TO THEM

SPLICED EVIDENCE

50+ TIMES... GCI  
GCTCHA

14

18



REC'D 11-28-25

Naum Ware

Investigation Services

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

People vs. John H. Yablonsky  
Case # **FVI900518**

This is a declaration in re the work being done on audio in re the  
Case of John Yablonsky.

Due to the mumbling of John throughout the interview, the police twisted his words  
figuring no one would catch it. Well, the audio expert did catch it.

The audio expert has to take a picture, then capture each cut.  
It is laborious and he even has two other experts working with him.  
There must be over one hundred splices into the actual interview which the police  
botched.

This work will not be completed until at least three weeks. So, to be safe, we will need  
until at least the second week of January to produce a full report showing the  
MALFEASANCE these police went through to frame this client.

Submitted.

ALTERED ANSWERS.

PHYSICAL PROOF

MULTIPLE EXPERTS

HUNDREDS OF ALTERATIONS TO ORIGINAL

GS MEDIA LAB  
THOMAS GUZMAN  
(818) 399-1255

(VERBAL CONFIRM)

MUST SEE  
INVESTIGATOR'S  
REPORT EXHIBIT CC  
ATTACHED HERE

ACCORDING TO RECORD  
49 + 49A WERE EXACTLY  
ALIKE IN AUDIO + TEXT

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

WHERE IS THE 1-26-11  
COPIES?  
BRADY - FRANK UDON COUNCIL  
PC 134-135

INSTEAD OF THE 1-26-2011 VERSION  
PLACED INTO RECORD  
BUT SWITCHED  
WHICH EXISTS ON THE RECORD  
NOW IS A DIFFERENT COPY  
DATE 11-23-10

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

SWITCHED OUT  
WITH 1-23-10

SUBMITTED  
HERE  
1-26-24

5/61

I-1

49A

EXHIBIT #	DATE #
FW1900518	
NAME	PEOPLE-V-YABLONSKY, JOHN
DATE	1-27-11
DATE ENTERED	1-27-11
BY	

20



26123  
COPY OF STATE EXHIBIT 49A <sup>15</sup> 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.

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.

28

63  
Reviewed by Det. Rob Alexander

Page 1 of 113

#A1672

November 23, 2010

D 1

NOTICE

113  
VS  
136  
=?

ENDED  
1313 HRS

3-8-09  
@ 1440 HRS  
3H 58m ORIGINAL  
RECORDED TIME  
WHERE IS THE MISSING  
EIGHTEEN MINUTES?  
50 CUT + SPLICINGS  
DESTROYED EVIDENCE

2d  
10

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 or . . . .

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

PLANTED EVIDENCE

CHANGED ANSWER

NO TO UM, YEA

FROM "NO" TO "UM YEA" 1-7-2552

ALTERED FROM [NO] AUDIO + VISUAL

TO [UM, YEA] SEE EXHIBIT 4 CD

SAFE EXHIBIT 4

ALTERED ANSWER

AL 4 22 19

50 64

4-11



# PLANTED EVIDENCE

FROM 10-15-10  
TO 1-7-2010



INTERVIEW WITH JOHN YABLONSKY

STATE EX-100 47

DP #1551933-07 / H #1985-100

1-7-10-25 SEC.

(v) Rita Cobb

CHANGED  
ANSWER  
FROM YES  
TO NO

1 JY: No

2 RA: Did she have a passkey to your apartment?

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?

28

Page 45 of 113

Reviewed by Det. Rob Alexander

#A1672

November 23, 2010

ALTERED FROM  
[YES SHE DID] AUDIOTAP  
TO [NO] SEC CD DISC  
EXHIBIT 475

65  
588

23  
22

COMPLETE REDACTION  
of 11 TWO MINUTE CUSTODIAL  
? WHERE IS IT  
AT ?

INTERVIEW WITH JOHN YABLONSKY

DR #1331036-07 / H #1985-100

(v) Rita Cobb

think some things that we're gonna talk about are gonna be a little bit private,  
embarrassing and I just wanna make sure that we're in a comfortable location um,  
kind of away from your wife. <sup>NEVER SAID DURING INT.</sup> Do you mind going with us? <sup>CUSTODIAL REDACTION</sup>

JY: Where are we going?

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

JY: I guess so.

RA: I appreciate it.

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

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

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

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

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

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

JY: Hey Mel, Melody?

GM: Hi, how are you?

UN: (Inaudible)

RA: Hi.

UN: (Inaudible) Uh, here Montana.

UN: Montana here.

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

RA: He looks like a big friendly dog.

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

UN: Who?

REDACTED

DESTROY EXCULPATORY,  
IMPEACHING EVIDENCE

GS MEDIA VERIF DRCP CUT  
AT 1:14 PM EXACTLY HERE

COMPLETE REDACTION  
MISSING  
2 MINUTE  
CUSTODIAL  
ARGUMENT ABOUT  
BEING FORCED TO POLICE  
STATION INSTEAD  
NON-CUSTODIAL  
MIRANDA  
VERIFIED  
REDACTED AT

I-10 24

66  
59



Drug use

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p 120

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p 124

Page

126

# 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
- 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.

28

Reviewed by Det. Rob Alexander

Page 1 of 136

#A4672

November 23, 2010

NOTICE

136  
VS = ?  
113

25

I 3  
17 1/2

REC'D 5-2-25

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.

*George Vincent Yablonsky*  
*George Yablonsky*

May 2nd, 2025

George Vincent Yablonsky

760-475-3109

CHAIN OF CUSTODY



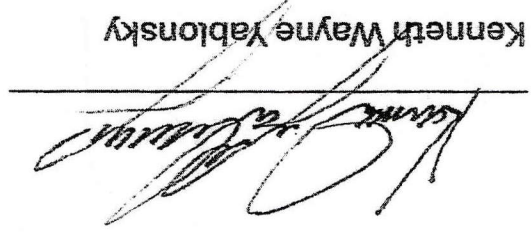
REC'D 5-2-25

I Kenneth Wayne 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 15<sup>th</sup>, 2015, a package containing evidences he received from John Henry Yablonsky's lawyer, for case number FV1900518. 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 27<sup>th</sup>, 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.

  
Kenneth Wayne Yablonsky

562-889-7370

CHAIN OF CUSTODY

May 2nd, 2025

7

11

RT 403,455, 508:18-509:4

### Cal. Rules of Prof'l Conduct, Rule 3.3

This document reflects first and last orders received through January 15, 2025. Rules are current through January 15, 2025.

CA - California Local, State & Federal Court Rules > RULES OF THE STATE BAR OF CALIFORNIA > Rules of Professional Conduct > Chapter 3. Advocate

#### Rule 3.3. Candor Toward the Tribunal\*

(a) A lawyer shall not:

- (1) knowingly\* make a false statement of fact or law to a tribunal\* or fail to correct a false statement of material fact or law previously made to the tribunal\* by the lawyer;
- (2) fail to disclose to the tribunal\* legal authority in the controlling jurisdiction known\* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly\* misquote to a tribunal (\*)the language of a book, statute, decision or other authority; or

THOMAS  
FERMIN

THOMAS  
FERMIN (3) offer evidence that the lawyer knows\* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know\* of its falsity, the lawyer shall take reasonable\* remedial measures, including, if necessary, disclosure to the tribunal,\* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes\* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal\* and who knows\* that a person\* intends to engage, is engaging or has engaged in criminal or fraudulent\* conduct related to the proceeding shall take reasonable\* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal\* of all material facts known\* to the lawyer that will enable the tribunal\* to make an informed decision, whether or not the facts are adverse to the position of the client.

#### History

Rule 3.3 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

8A

2



## Cal. Rules of Prof'l Conduct, Rule 3.4

This document reflects first and last orders received through October 15, 2025. Rules are current through October 15, 2025.

CA - California Local,

State & Federal Court Rules >  
RULES OF THE STATE BAR OF CALIFORNIA >  
Rules of Professional Conduct >  
Chapter 3. Advocate

### Rule 3.4. Fairness to Opposing Party and Counsel

---

A lawyer shall not:

RAMES  
THOMAS

(a) unlawfully obstruct another party's access to evidence, including a witness, or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person\* to do any such act;

RAMES  
THOMAS

(b) suppress any evidence that the lawyer or the lawyer's client has a legal obligation to reveal or to produce;

RAMES  
THOMAS

(c) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(d) directly or indirectly pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case. Except where prohibited by law, a lawyer may advance, guarantee, or acquiesce in the payment of:

(1) expenses reasonably (\*)incurred by a witness in attending or testifying;

(2) reasonable\* compensation to a witness for loss of time in attending or testifying; or

(3) a reasonable\* fee for the professional services of an expert witness;

(e) advise or directly or indirectly cause a person\* to secrete himself or herself or to leave the jurisdiction of a tribunal\* for the purpose of making that person\* unavailable as a witness therein;

(f) knowingly\* disobey an obligation under the rules of a tribunal\* except for an open refusal based on an assertion that no valid obligation exists; or

(g) in trial, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the guilt or innocence of an accused.

### History

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Rule 3.4 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

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(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

## Cal. Rules of Prof'l Conduct, Rule 3.3

This document reflects first and last orders received through October 15, 2025. Rules are current through October 15, 2025.

CA - California Local,

State & Federal Court Rules >  
RULES OF THE STATE BAR OF CALIFORNIA >  
Rules of Professional Conduct >  
Chapter 3. Advocate

### Rule 3.3. Candor Toward the Tribunal\*

---

(a) A lawyer shall not:

(1) knowingly\* make a false statement of fact or law to a tribunal\* or fail to correct a false statement of material fact or law previously made to the tribunal\* by the lawyer;

(2) fail to disclose to the tribunal\* legal authority in the controlling jurisdiction known\* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly\* misquote to a tribunal (\*)the language of a book, statute, decision or other authority; or

(3) offer evidence that the lawyer knows\* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know\* of its falsity, the lawyer shall take reasonable\* remedial measures, including, if necessary, disclosure to the tribunal,\* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes\* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal\* and who knows\* that a person\* intends to engage, is engaging or has engaged in criminal or fraudulent\* conduct related to the proceeding shall take reasonable\* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal\* of all material facts known\* to the lawyer that will enable the tribunal\* to make an informed decision, whether or not the facts are adverse to the position of the client.

### History

---

Rule 3.3 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

Deering's California Codes Annotated

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(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.



## Cal. Rules of Prof'l Conduct, Rule 3.8

This document reflects first and last orders received through October 15, 2025. Rules are current through October 15, 2025.

CA - California Local,

State & Federal Court Rules

>

RULES OF THE STATE BAR OF CALIFORNIA

>

Rules of Professional Conduct

>

Chapter 3. Advocate

### Rule 3.8. Special Responsibilities of a Prosecutor

---

The prosecutor in a criminal case shall:

- (a) not institute or continue to prosecute a charge that the prosecutor knows <sup>(\*)</sup>is not supported by probable cause;
- (b) make reasonable\* efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable\* opportunity to obtain counsel;
- (c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights unless the tribunal\* has approved the appearance of the accused in propria persona;
- (d) make timely disclosure to the defense of all evidence or information known\* to the prosecutor that the prosecutor knows\* or reasonably should know\* tends to negate the guilt of the accused, mitigate the offense, or mitigate the sentence, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;\* and
- (e) exercise reasonable\* care to prevent persons\* under the supervision or direction of the prosecutor, including investigators, law enforcement personnel, employees or other persons\* assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under rule 3.6.
- (f) When a prosecutor knows\* of new, credible and material evidence creating a reasonable\* likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:
  - (1) promptly disclose that evidence to an appropriate court or authority, and
  - (2) if the conviction was obtained in the prosecutor's jurisdiction,
    - (i) promptly disclose that evidence to the defendant unless a court authorizes delay, and
    - (ii) undertake further investigation, or make reasonable\* efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.
- (g) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.

#### History

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(\*) An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

# Cal Bus & Prof Code § 6068

Current through Ch. 790 of the legislation from the 2025-2026 Regular Session, effective as of October 13, 2025

*Deering's California*

*Codes Annotated*

**BUSINESS & PROFESSIONS CODE (§§ 1 — 30047)**

**Division 3 Professions and Vocations Generally (Chs. 1 — 21.5)**

**Chapter 4 Attorneys (Arts. 1 — 17)**

**Article 4 Admission to the Practice of Law (§§ 6060 — 6069.5)**

## § 6068. Duties as an attorney

It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (e)
  - (1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.
  - (2) Notwithstanding paragraph (1), an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.
- (g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.
- (h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.
- (i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.
- (j) To comply with the requirements of Section 6002.1.



- (k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.
- (l) To keep all agreements made in lieu of disciplinary prosecution with the State Bar.
- (m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.
- (n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.
- (o) To report to the State Bar, in writing, within 30 days of the time the attorney has knowledge of any of the following:
  - (1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.
  - (2) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.
  - (3) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).
  - (4) The bringing of an indictment or information charging a felony against the attorney.
  - (5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.
  - (6) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.
  - (7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.
  - (8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.
  - (9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.
  - (10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

## History

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Added Stats 1939 ch 34 § 1. Amended Stats 1985 ch 453 § 11; Stats 1986 ch 475 § 2; Stats 1988 ch 1159 § 5; Stats 1990 ch 1639 § 4 (AB 3991); Stats 1999 ch 221 § 1 (SB 143), ch 342 § 2 (SB 144); Stats 2001 ch 24 § 4 (SB 352); Stats 2003 ch 765 § 1 (AB 1101), operative July 1, 2004; Stats 2018 ch 659 § 50 (AB 3249), effective January 1, 2019.

## LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)

To: yablonsky@yahoo.com

Date: Thursday, July 31, 2025 at 06:04 AM PDT

REC'D 7-31-25

## CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

On July 22 someone identifying himself as your court-appointed investigator left a phone message asking two questions on your behalf: (1) whether I attempted to authenticate a transcript before introducing it to the jury and (2) whether I moved to suppress an interrogation. I phoned him back the same day but had to leave a voicemail message. I explained that I was the attorney on appeal, not the trial attorney. It is the trial attorney who introduces or objects to evidence and who moves to suppress evidence. All of this is done or not done before the attorney on appeal is appointed, which occurs after conviction and sentencing. The investigator did not return my call.

For a response to the questions, you will need to contact your trial attorney (the San Bernardino County Public Defender). I have no independent recollection of any facts surrounding the two questions, and I returned the file to you when the appeal was concluded.

Good luck in future proceedings.

Richard A. Levy

CHAIN of CUSTODY

APPELLATE COUNSEL  
7-31-25

PROVIDED VERBATIM RECORDS TO FAMILY  
NO KNOWLEDGE OF FRAUD ACTIVITY

9



John Henry Yablonsky #AL0373-2309342444  
9500 Etiwanda  
R.C. Ca. 91739

SENT  
7-11-25

RE: FVI900518 THE PEOPLE VS JOHN HENRY YABLONSKY  
STATES EXHIBIT 49 & 49A "INTERROGATION TRANSCRIPTS"

Dear Geoffrey Canty sir;

On March 10, 2009 you were assigned to my case through the public defender's office and spoke to me at great lengths about states evidences, specifically an interrogation transcript of a march 8, 2009 interrogation. The district attorney gave you, your office a copy of that interrogation, in transcript form, one text transcript and one audio transcript. They were identified as states DR#1331036-07 EXHIBITS 49 & 49A.

There is a major discrepancy with regards to the authenticity and accuracy of those transcripts. 1) They do not match real time recordings 2) They do not match one another 3) They show the people had altered answers 4) They show that custodial markers were redacted 5) One copy shows MIRANDA was redacted.

Please, you are a real advocate of the states laws, and a true compliment to your legal profession and I thank you for your advocacy for my constitution, but, I now require a couple answers from you, if you won't mind. I am currently litigating under felony- murder, your response is needed ASAP, please

1) Did you ever verify that the audio portion transcript whether it matched the text transcript, and if you did not, please explain why, if you did what was your findings?

2) The audio portion of that transcript was over 3 hours in length, did you authenticate whether exhibit 49A was accurately transcribed from exhibit 49? If you did please explain what you found? If you did not, please explain why you did not have this evidence examined?

3) Who from the district attorney's office gave you that evidence, and when?

I know that this case is old, but, this case was historical, your participation in this case would have made a difference had you stayed on it, but the public defender's office replaced you. I need your help as a true advocate of the state laws. I need your response to be mailed to my current data provided at the top of this letter. You are ethically required to respond

July 11, 2025

John Henry Yablonsky

NO RESPONSE

TRIAL ATTORNEY RETIRED

CHAIN OF CUSTODY - DUE DILIGENCE

REC'D 7-28-25

Fw: John H. Yablonsky FVI900518

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com

Date: Monday, July 28, 2025 at 05:48 AM PDT

----- Forwarded Message -----

From: nlw41@aol.com &lt;nlw41@aol.com&gt;

To: geoffrey.canty@pd.sbcounty.gov &lt;geoffrey.canty@pd.sbcounty.gov&gt;

Sent: Tuesday, July 22, 2025 at 10:11:24 AM PDT

Subject: John H. Yablonsky FVI900518

PD Canty I am the court appointed P.I. for D-Yablonsky.

He wanted to ask two questions which I put on your phone.

1. Did you or your office ever authenticate States Exhibit 49 and 49A, to verify the verbatim transcripts of the March 8th, 2009 Interrogation?>

1a If you did, what did you find?

1b If you did not, why not?

2. Did your office notice the Warrant to arrest Mr. Yablonski issued 4 days before the interrogation?

If your office did why didn't you file a suppression motion?

DUE DILIGENCE

W/TRIAL COUNSEL

CANTY

CHAIN OF CUSTODY

19 1/2

11



Re: John Henry Yablonsky vs. The People - Case - FVI900518 - (Exhibit 49 Audio)

From: Thomas Guzman-Sanchez (vfi@gsmedialab.com)

To: yablonsky@yahoo.com

Date: Tuesday, September 2, 2025 at 11:47 AM PDT

REC'D 9-2-25

The edits are confirmed.

--- On Tue, 02 Sep 2025 10:50:44 -0700 yablonsky@yahoo.com wrote ---

Good Morning GS Media,

This is in regards to my brothers conversation you had with him earlier today.

According to your conversation, you discussed findings with regards to States Exhibit 49, that your software detected 7 splicings within the first hour of this alleged original recording.

In anticipation of your report, John just wants to confirm exactly what you said about the 7 edits that you found, just within the first hour of this audio recording alone.

John appreciates your integrity and looks forward to a full report at your earliest convenience.

Respectfully for,

John Henry Yablonsky

Ken Yablonsky  
562-889-7370  
[yablonsky@yahoo.com](mailto:yablonsky@yahoo.com)

On Friday, August 22, 2025 at 05:37:49 PM PDT, Kenneth Yablonsky <[yablonsky@yahoo.com](mailto:yablonsky@yahoo.com)> wrote:

Hello Thomas,

My brother called and explained that you found some issues with the DSS file being "compressed" or "decompressed".

These files were emailed to our father on 8/15/2014 at 3:11PM. I have a printout of the original email that was sent by Richard Levy.

The email details that it includes only 2 files; the DSS file and the Dss1211E.exe file to listen to the DSS audio recording.

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 and 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 Yablonky, 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!



REVIEW STATES EXHIBITS  
49A CREATED ON 11-23-10

REC'D 5-7-25

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.

**FRAUD**  
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".

**FRAUD**  
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.

PAGE # 5 OF 5

NAUM WARE INVESTIGATION  
(909) 935-5818

CUSTODIAL  
INVESTIGATION  
RESTRICTED MOVEMENT  
NC MIRANDA  
FRAUD - ALTERED ANSWERS

PLANTING EVIDENCE TO FRAME



Re: John Henry Yablonsky vs. The People - Case - FVI900518 - PC1172.6

From: nlw41@aol.com (nlw41@aol.com)

To: yablonsky@yahoo.com; nlw41@aol.com

Date: Wednesday, October 1, 2025 at 08:56 AM PDT

h  
Discovery  
L1

Morning Kenneth,

I just talked with the audio expert on Yablonsky's case so please take note:

1. How Yablonsky was convicted appears to be by rumor not evidence for fact.
2. There is a lot of mumbling in the tape which the audio tech can get out.
3. There are numerous DROPS and CUTS, this is found via dictaphone use or DSS.
4. Chops and cuts change words and there are at least 50 (fifty).
5. Your focus should be on that instead of conspiracy.
6. ***To mess with the integrity of a tape, that is the issue.***
7. The verbal slate (time and date) at one location is turned off. Then when it is turned on again it leaves the appearance that it was continuance, but it was not. This is your issue, this makes your case.

**Get another motion so the audio expert can show all of this because you are entitled to a Non-Cut recording.**

There should be concentration only on fact of what exist in evidence.  
**The time line will show verbal slates are off.**

NWIS

***Naum Ware Investigative Services***

2230 S. Malcolm Ave

Ontario Ca. 91761

***Private Investigator***

California P. I. Lic # 27647

909 935-5818

Email: nlw41@aol.com

9A

## LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)

To: yablonsky@yahoo.com

Date: Thursday, July 31, 2025 at 06:04 AM PDT

## CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

On July 22 someone identifying himself as your court-appointed investigator left a phone message asking two questions on your behalf: (1) whether I attempted to authenticate a transcript before introducing it to the jury and (2) whether I moved to suppress an interrogation. I phoned him back the same day but had to leave a voicemail message. I explained that I was the attorney on appeal, not the trial attorney. It is the trial attorney who introduces or objects to evidence and who moves to suppress evidence. All of this is done or not done before the attorney on appeal is appointed, which occurs after conviction and sentencing. The investigator did not return my call.

For a response to the questions, you will need to contact your trial attorney (the San Bernardino County Public Defender). I have no independent recollection of any facts surrounding the two questions, and I returned the file to you when the appeal was concluded.

Good luck in future proceedings.

Richard A. Levy

APPELLATE COUNSEL



## LEGAL MAIL

From: Richard A Levy (levy@richardalevy.com)

To: yablonsky@yahoo.com

Date: Thursday, July 31, 2025 at 06:04 AM PDT

## CONFIDENTIAL LEGAL MAIL

Dear Mr. Yablonsky,

In view of the urgency you expressed in your phone message yesterday, and your request that I respond by insecure email, I am providing this brief, general response.

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Good luck in future proceedings.

Richard A. Levy

7-31-25  
APPELLATE COUNSEL  
CHAIN OF CUSTODY

Court

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
JOSHUA TREE DISTRICT

JAN 12 2026

John Henry Yablonsky  
# AL0373-2309342444  
9500 Etiwanda  
Rancho Cucamonga, CA 91739  
In Propria Persona

BY Melissa Simendich  
MELISSA SIMENDICH, DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

JOHN HENRY YABLONSKY,  
PETITIONER  
VS.  
PEOPLE OF THE STATE OF CALIFORNIA  
RESPONDENT

Case No.: FVI900518 - PC1172.6

NOTICE OF MOTION AND MOTION TO  
RECONSIDER AND VACATE

EMERGENCY FILING  
Date: 1/12/2026  
Dept: M2  
Time: 0830

DENY  
LACE  
IN CONTACT  
OBJECT  
1000

The Honorable Judge James Taylor

Petitioner **John Henry Yablonsky** respectfully moves this Court for an order:

1. **Reconsidering** the Court's January 9, 2026 denial of Petitioner's post-conviction petitions;
2. **Vacating or striking** the Court's reliance on verdict-based presumptions and CALCRIM Nos. 521 and 540a; and
3. **Requiring adjudication of all pending motions and evidentiary submissions** challenging the integrity of the evidence underlying the conviction **before** further reliance on the verdict or jury instructions. **THE PEOPLES EXHIBIT 49 & 49A ARE FRUITS OF FRAUDULANT MISCONDUCT NAPUE-ALCORTA-TROMBETTA-BRADY**

This motion is based on the Court's inherent authority, due-process principles, Penal Code section 1473, governing case law, the Court's continuing jurisdiction over unresolved motions, and the record and exhibits on file.



## I. INTRODUCTION

On **January 9, 2026**, this Court began denying Petitioner's post-conviction petitions **without ruling on any of Petitioner's pending motions, without considering newly presented evidence, and without analyzing the trial record, basing denial solely on CALCRIM Nos. 521 and 540A.**

Those instructions **presume a valid, untainted verdict.** However, at the time of denial, the Court had before it **pending motions and evidence establishing that the only incriminating evidence used at trial—Petitioner's alleged extrajudicial statement—was scientifically proven to be false, altered, and manufactured.**

A court may not deny post-conviction relief while **assuming the validity of evidence that has not yet been adjudicated as authentic.** Doing so violates due process and renders the denial **structurally defective.**

## II. GOVERNING LEGAL STANDARD

The California Supreme Court recently reaffirmed the governing rule in *People v. Patton*, 17 Cal.5th 568 (2025):

**"Petitioner confronting a record of conviction that demonstrates relief is unavailable have the burden of coming forward with non-conclusory allegations that would necessarily inform the court and prosecutor what issues an evidentiary hearing would entail. The court countering the factual dispute may not resolve the issue at the prima facie stage."**

(*Id.* at p. 568, emphasis added.)

Here, Petitioner **did exactly what *Patton* requires—and more.**

Petitioner did not rely on conclusory allegations. He presented **physical, scientific, expert-verified evidence** establishing that the "original" statement evidence relied upon at trial was **fabricated decades after the crime and years before trial, and could not have been discovered earlier due to technological limitations.**

Yet the Court **resolved the dispute anyway**, at the prima facie stage, **without ruling on the motions or evidence, and without an evidentiary hearing**, in direct contravention of *Patton*.

### **III. NEWLY DISCOVERED SCIENTIFIC EVIDENCE**

#### **(Non-Conclusive, Physical, and Previously Undetectable)**

The record before the Court includes **newly discovered scientific evidence** demonstrating:

1. The prosecution's purported "original" audio statement was **manufactured approximately two years before trial, and approximately twenty-five (25) years after the 1985 homicide;**
2. Advanced forensic audio analysis using **iZotope RX6—technology not available at the time of trial or earlier post-conviction proceedings—identified:**
  - **More than 318 discrete cuts and splices** within the audio file;
  - Systematic manipulation inconsistent with analog-to-digital transfer artifacts;
3. Audio experts further determined that the **verbal slate was deliberately turned off and on to conceal the true recording date**, thereby disguising the fabrication as a contemporaneous interrogation recording.

This is **physical scientific evidence**, not argument.

It directly contradicts the prosecution's trial theory and **undermines the sole incriminating evidence used to obtain the conviction.**

### **IV. THE COURT COULD NOT RELY ON CALCRIM 521 AND 540A**

#### **WITHOUT FIRST RESOLVING THE EVIDENTIARY DISPUTE**

CALCRIM Nos. 521 and 540A do not operate in a factual vacuum. They are **derivative legal instructions** that assume:

- A valid evidentiary foundation;
- Authentic, truthful inculpatory evidence;
- A verdict untainted by fabrication or falsification.

Where the **only evidence supporting the verdict is alleged—supported by expert proof—to be false**, reliance on those instructions **begs the very factual question in dispute.**

Under *Patton*, the Court was required to:



1. Accept the non-conclusory allegations as true at the prima facie stage;
2. Refrain from resolving the factual dispute; and
3. Proceed to adjudication of the evidentiary challenge before denying relief.

The Court did none of these.

#### **V. THE JANUARY 9, 2026 DENIAL IS VOIDABLE**

#### **BECAUSE IT RESTS ON UNADJUDICATED, DISPUTED EVIDENCE**

The denial is constitutionally defective because:

- Pending motions challenging evidentiary integrity were ignored;
- Scientific evidence establishing fabrication was not considered;
- The Court resolved factual disputes at the prima facie stage;
- The denial relied on verdict-based presumptions that **collapse if the evidence is false.**

A ruling rendered under these circumstances **cannot stand.**

#### **VI. RELIEF REQUESTED**

Petitioner respectfully requests that the Court:

1. **Reconsider and vacate** the January 9, 2026 denial **to the extent it relies on CALCRIM Nos. 521 and 540A;**
2. **Strike or vacate reliance on verdict-based presumptions** pending adjudication of evidentiary integrity;
3. **Rule on all pending motions and evidentiary submissions** challenging false evidence;
4. **Order further proceedings consistent with *People v. Patton*,** including evidentiary development as required; and
5. Grant any other relief the Court deems just and proper.

## VII. REASONS THIS MOTION SHOULD BE GRANTED

### a. The *Anaya* case does not overrule *People v. Patton*.

#### Different Courts & Authority

- **People v. Patton, 17 Cal.5th 549 (2025)** is a **California Supreme Court decision** interpreting **Penal Code § 1172.6** and how courts should assess prima facie eligibility for resentencing based on the record of conviction. The Supreme Court's rulings are *binding on all lower California courts*. (Justia)
- **People v. Anaya** (the case you cited at 225 Cal. App. Lexis 871) is a **Court of Appeal opinion**. An appellate decision **cannot overrule a Supreme Court precedent** — it must follow it unless the Supreme Court itself has subsequently changed the law. Appellate opinions can *distinguish* Supreme Court precedent, but they do not *overrule* it.

#### What *Patton* Actually Says

In *Patton*, the California Supreme Court held that:

- At the § 1172.6 prima facie stage, a court may consider unrefuted evidence from the record of conviction — including preliminary hearing testimony — to determine that a petitioner is *ineligible* for relief because the person was the actual perpetrator or otherwise not entitled to resentencing. (Justia)

This establishes that **reliance on uncontested record evidence can defeat a prima facie showing of eligibility** for § 1172.6 relief.

#### What *Anaya* Did

- The appellate court upheld the denial of a § 1172.6 resentencing petition at the prima facie stage because the record showed the defendant was convicted as a *direct perpetrator* with intent — not based on vicarious liability. (Justia)
- This is **entirely consistent with *Patton*** — both cases treat clear record evidence showing direct perpetration/intent as grounds to deny relief early.
- **THE PEOPLE'S RECORD IS CRYSTAL ON THIS POINT. THERE ARE AT LEAST 17 OTHER DNA SUSPECTS TO THIS CASE THAT DO NOT MATCH PETITIONER, AND ONE OF THOSE DNA'S WAS FOUND ON THE MURDER WEAPON. A MURDER WEAPON THAT DOES NOT HAVE PETITIONER'S DNA ON IT! THE RECORD IS ALSO CRYSTAL THAT THE ONLY DNA FOUND AT THIS CRIME SCENE IN AN**



UNRELATED MANNER PREDATES THE CRIME BY MULTIPLE DAYS! (RT317-CRIMINALIST DONALD JONES-"SEVERAL DAYS OLDER") (RT491-PATHOLOGIST WILLIAM SAUKEL-"AT LEAST ONE AND A HALF DAYS OLDER")

- THE APPELAT RECORD CONSIDERING THE TRIAL RECORD WAS VERY CLEAR IN THEIR REVIEW OF THE TRIAL EVIDENCE.
- THE APPELAT RECORD ON PAGE 17 GIVES THREE VERY PROFOUND FINDINGS REGARDING THE PETITIONER'S DNA AND THE ACTUAL MURDER EVIDENCE:
  - FIRST BEING THAT THE EVIDENCE DOES SUGGEST A SEPARATE SUSPECT BESIDES THE PETITIONER AS THE ACTUAL KILLER!
  - SECOND BEING, AFTER REVIEWING THE ENTIRE RECORD THE COURT OF APPEAL CONCLUDED THAT RITA MAY HAVE BEEN WAYLAYED IN THE PARKING LOT OF THE ZODIAC LOUNGE.
  - THIRD BEING, THE COURT OF APPEAL RECOGNIZES THAT GREGORY RANDOLPH HAD CONFESSED TO THE CRIME, AND HIS CONFESSION LED TO SPECIAL INVESTIGATIONS, PLACING REASONABLE DOUBT INTO THE SENATE BILL 1437 AND 775 HOLDINGS.

The fact that the People charged the petitioner in this case was consistently contingent on the People's fabrication of the evidence where the prosecutor fabricated evidence placing keys in the petitioner's possession to incriminate him. This is also consistent with the fact that the only reason Gregory Randolph was never tried for this case is because he committed suicide before forensic evidence corroborated his confession.

**Gregory Randolph's DNA was in fact located at Rita Cobb's crime scene, contradicting the People's now argument that John Henry Yablonsky is/was the only suspect. The only evidence connecting the petitioner to this crime in an incriminating way is the People's fabricated extrajudicial statement.**

The People's sole argument in their reply, on page 3, lines 5-8, is that the only evidence the jury relied on to find the petitioner guilty is the petitioner's DNA, which predates the crime, and the defendant's extrajudicial statement.

This is the primary reason the forensics report for the People's exhibit 49 is material to the issue of guilt. During the January 9, 2026, hearing the District Attorney openly admitted that the defendant's extrajudicial statement evidence, used during trial, has

15  
**been destroyed. This now calls into question why would the District Attorney put evidence that the jury has never seen into these prima facie proceedings.**

**Petitioner's Private Investigator Naum Ware has physically proven that the People's exhibit 49A was illegally altered when the prosecutor planted evidence onto the petitioner by changing the petitioner's answers!**

**During post-trial litigations in case # WHCSS1200311, District Attorney Ferguson confirms that the trial statement evidence used in this case also showed petitioner allegedly having keys to Rita's house.**

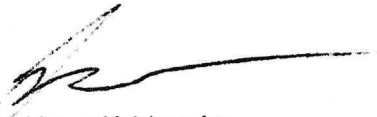
**This is precisely why the integrity of the original recording, as well as any subsequent copies, must be called into question.**



VERIFICATION

I John Henry Yablonsky, an adult party to the action declare under penalty of perjury the foregoing are true and accurate according to belief and knowledge.

January 11, 2026

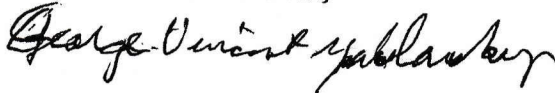
  
John Henry Yablonsky

Proof of service

I George Vincent Yablonsky, an adult non-party to this actual declare under penalty of perjury that I have personally served the motion to vacate to the below stated parties on January 12, 2026.

- Superior Court of California, 6527 White Feather Road, Joshua Tree, California 92252
- District Attorney of San Bernardino, 6527 White Feather Road, Joshua Tree, California 92252

George Vincent Yablonsky



1/12/2026

John Henry Yablonsky CDCR#AL0373  
480 Alta rd  
S.D.,Ca.92179

RE: Yablonsky #FVI900518

Mr Kielty;

The interrogating officer signed a probale cause affidavit as me being his sole suspect on March 4, 2009, four days before the interrogation and had the warrant in his pocket when he without mirandizing me interrogated me. There was 12 cops from thre agencies at my house when they interrogated me and they forced me to the police station. Take notice of recording @ 113- 55of113; 55:1, 54:19, 51:1-3 'this is where the argument about going to the police station occured which was removed from DDS audio and text"! Right after the word "wife?" before "do you mind going with us"!

Guzman has the entire audio because his report pages 17- 25 where he indicates cuts has photos of those cutrs at the exact time of the missing transcription!! So, he has the audio but never transcribed it.

Guzman then did not place where in the trsanscripts the cuts occured until after pages 116. Why wouldnt he mark where the cuts occured? This is critical if we are going to argue they cut and spliced ina fabricated transcript, versus a horrible version of audio recording!! According to him there was 32 cuts before that cut on page 116

The report is in such bad condition as it sits because even if I argued damages before redactions, damages that changed the context I cannot prove that with faultless reports!! Making this report illegal in an argument of legality, is why I attacked the integrity of his report!! His report does show at page 19 cuts 01;14;00.92-01;14;15.422 is exactly where the custodial argument was cut out! He memorialized the cutting in photos but did not take the time to indicate in the text transcript where those cuts were, making the report unsuable!!

There was two PUMA5 body cams and one cam corder at the station. Nobody ever seen the realtime memory cards!! Least not telling me they had. The original recordings created this DSS file we have and they placed that onto a computer program and then wacked the hell out of it to hide custodial markers where I invoked, stated I needed to call my lawyer and they forced me to the police station!! We marked the cuts, all we need it a transcript where those cuts are in the writing! Thatw as what Guzman was suppose to do!

respectfully



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3/18/26 0430hrs

RE: FVI900518 1st degree felony homicide 9/20/85

Mr Kielty;

The entire case stands on the interrogation transcript! 113 pages that were created on January 26, 2011 (RT403, 455) Then shown to the jury on January 27, 2011 - February 3, 2011 The trial version was an audio/ text which was 2h 55m in length & 113 pages. (RT 455, 508:2-6) In the courtroom they seen the audio/ text, and after they were shown the 113 page text. Those versions were never seen again. On January 12, 2026 Chief District attorney Michael Fermin stated on the record the court destroyed those versions which makes no sense because they were digital, the same digital they took and created the November 23, 2010 version of transcript.

The January 26, 2011 version was created differently than the November 23, 2010 version. Seperate redactions, yet all had the altered answers and both in audio and text! Because the March 9, 2009 DSS file was altered so badly it would be legally impossible to create a reliable text, or audio transcript, and any transcripts created from that DSS file are "ILLEGAL" and may not be used to prove the truth in any matter, even the truth of what was or was not said. "UNLESS" it is used to prove how illegal the audio is under California law Ca EV 1400- 1421, 1521!!

The warrant to arrest issued four days before interview, making the interview custodial by way of warrant and presence of twelve officers from three agencies in a home that was surrounded and nobody was allowed in or out of the house. The real time audio will prove this, is why the altered audio is so valuable now. There is sufficient matter in the DSS file we now have that shows they were prepared to arrest and search the home under warrant. Since the warrant was about my home and the interrogation occurred in my home the warrant to search did not include interview, which is why MIRANDA is so important. I invoked three times at my home, three times at the police station and tried to leave the police station but they refused to let me leave. The station was a lock location of the station.

The integrity of the transcripts is "EVERYTHING", which in this case the jury were told more than fifty four times during the trial to pay close attention to what the transcript says!!!! The jury were told there was a weapon, but, were deprived the DNA results of that weapon because it has DNA that does not match me!! The same with the watchband pin, the hair with roots, the gag, the bedding. All in a case where my DNA predated the crime by days!! The felt desk cloth found at the foot of the victims bed was destroyed when they cut it and stored the cut pieces separately. Then all detectives stated that they collected these evidences by placing them into the same bags!!

~~XX~~

The destroyed evidence after trial, but, before giving post trial motion for new trial counsel hal Smith is relevant because that set given to Smith does not match what they used in trial, proving the destruction was deliberate and calculated. TROMBETTA, YOUNGBLOOD etc!! There is strong authority on this issue!

"NONE" of the habeas petitions were fair based on the false breif filed by DDA Ferguson during #WHCSS1200311 where he lied about the evidences found at the scene and when they were planted there, or whether they were found at all. He lied about there not being second set of transcripts. "BUT" he clearly admitted the jury heard during trial that I admitted to having a key to the victims house, and, they got a 113 page text trasncript to take into the jury room. This means that the audio/ text had me admitting to having the key! That the text transcript matched the audio/text transcript, meaning that is a seperate set of transcripts, which are now missing.

Duruing post trial 1172.6 proceedings the DA relied on res judicata arguments to meet his burden of proof under STRONG, BANKS & CLARK which cannot be done. He then held to the fact that it wsas "ONLY" my DNA which predates the crime and the statement evidence which the jury relied to find me guilty. These do not meet the SB 1437 & 775 standards, which I effectively argued!! All this means that the court when it denied by effort to weave PC1473(b)(1-3) arguments into the resentencing was prejudicial and I clearly onjected to that as well as filing motion to reconsider while amidst the hearing, after I faked the ehart attack andx before his final decision!! The record is ripe for addressing these arguments!!

Now, when you speak to me please give me a little credit for trying! Please give me a little credit that I may understand a little biut about the law! PLEASE!!

Habeas is availabel when there is new science IZOTOPERX6 which scientifically views audio! Then we have the copnfession where his DNA found at the scene coirroberating his confession is rrelevant. He was arrested for this murder on 8/17/88 based on his confession!! This too is on the 1172.6 record! I szerved a subpena for that arrest record, the probable cause affidavit by SBSd detective Polacios, or, other

There was no fingerprint evidence shown to the jury which proves that I was not in that house recently, which corroiberates my DNA which predates the crime by day!! I need help, but, not at the expense of being humiliated and patronized. I lost my life already, my home, business, wife and my chikldren sent to the streets. I would like your help and know that the last man William Richards was paid 25,7 million\$ who has less fraud in his case. You can have 70% of what there is in mine, but, I will not permit you to humiliate me as if I am retarded about the law or these facts! Your feiendw who created these transcript, GS Media will either fix what he did or will repay that money to the courts. His report is riddled with flaw!! And incomplete!!