Your Copy

THE STATE BAR OF CALIFORNIA
CALIFORNIA ATTORNEY COMPLAINT FORM

Read instructions before filling in this form.

Date: 12/26/15

(1) Your contact information:

Your name: John Henry X Yablonsky AL-0373

Your address: Box 5001

Your city, state & zip code: Calipatria ,Ca.92233

Your email address:

Your telephone numbers:

Home *Work* *Cell*

(2) Attorney's contact information: Please provide the name, address and telephone number of the attorney(s) you are complaining about. (NOTE: If you are complaining about more than one attorney, include the information requested in items #2 through #7 for each attorney. Use separate sheets if necessary.

Attorney's name: David Lynn Sanders, Geoffery Canty, Phil Zwyiciel Mark Shoup

Attorney's address: Public defenders office SanBernardino county 14344 Cajon ave ste.# 201

Attorney's city, state & zip code: Victorville Ca.92392

Attorney's telephone number: 760-241-0413

(3) Have you or a member of your family complained about this attorney(s) previously?
Yes (X) No ( )

If "Yes", please state to whom the previous complaint was made, approximate date of complaint and disposition.

State Bar in January 2014 regarding the evidmnces witheld by David Sanders whom ordered Sanders to release them[after appeal] had expired, but that no other action was taken. I wrote the Bar and stated that full disclosure was not made,still no action

(4) Did you employ the attorney? Yes (X) No ( )

If "Yes," give the approximate date you employed the attorney(s) and the amount, if any, paid to the attorney(s).

Date employed: Amount paid (if any): $

If "No," what is your connection with the attorney(s)? Explain briefly.

The public defenders office was appointed to represent me for a crime, Geoffery Canty, then David Sanders, the Phil Zwyiciel under Mark Shoup Sanders was my trial counsel who made the most critical fiduciary violations, but under the authority of Mark Shoup, assisted by Geoffery Canty and Phil Zwyiciel. Most of these violations are on recor and are provable, or admitted by Sanders

(5) Include with this form (on a separate piece of paper) a statement of what the attorney(s) did or did not do which is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you employed the attorney(s), state what you employed the attorney(s) to do. Sign and date each separate piece of paper. Additional information may be requested. (Attach copies of pertinent documents such as a copy of the fee agreement, cancelled checks or receipts and relevant correspondence.)

(6) If your complaint is about a lawsuit, answer the following, if known:

a. Name of court (For example, Superior or Municipal Court, and name of the county)

Suoperior court california SamnBernardino county

b. Title of the suit (For example, Smith v. Jones)

Yablonsky v. Ramos CIVDS1506664

c. Case number of the suit CIVDS1506664

d. Approximate date the suit was filed May 11,2015

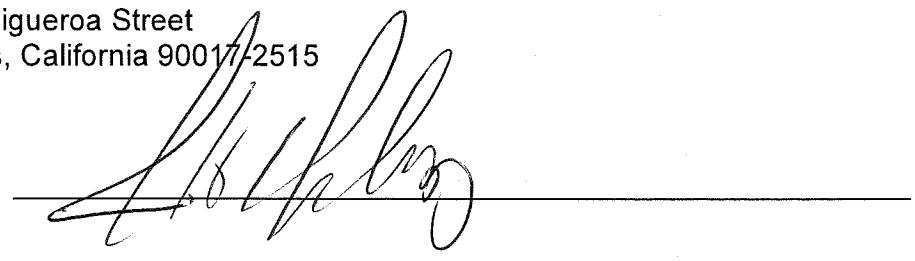
e. If you are not a party to this suit, what is your connection with it? Explain briefly.

(7) Size of law firm complained about:

- ☐ 1 Attorney
- ☒ 2 – 10 Attorneys
- ☐ 11 + Attorneys
- ☒ Government Attorney
- ☐ Unknown

Mail to:

Office of the Chief Trial Counsel/Intake
The State Bar of California
845 South Figueroa Street
Los Angeles, California 90017-2515

Signature 

John Henry Yablonsky AL-0373
Box 5001
Calipatria,Ca.92233

12/26/15

Re;Inquiry no,15-29186
Respondent;David Kynn Sanders

Lic.#78021
Public defenders office

Case no.FVI900518
Trial;jury
Date; Janury 2011
Loss;Permanent liberty

Statement of the facts regarding representation

The public defenders office appoionted Geoffery Canty on or abouit March 11,2009 to represent complaintant (affiant) in a hearing in municiapl court for case FVI900518 in victorville Superior Court.

This party Canty represented affiant for a duration of aproximately three monehs, and was reassigned to another department and David Sanders was then appointed throughout the remained of the case until the last day of trial, and marsden hearing that was denied.

Phil Zwyioiel stood in the trial and made decisions regarding critical matters as an appoionted party from the same lawfirm.Mark Shoup had been contacted by affiant and made decisions regarding affiants complaint regarding the representation of the lawfirms client,the affiant.

Facts regarding the representation

Goeffery Canty after being appointed to represent affiant, full disclosure was made to the attorney about affiants knowledge regarding the cade the [client] was acharged, that he was innocent and was not involved with the case to any degree of any crimes.

Affiant requested all of the discovery to the case, in order to make decisions regarding affiants options, which ibcluded possibly borrowing money from friends to hire counsel.This request was recorded and logged by Canty.The affiant explained his involvement with the victim, but that he was not involved, or knew of any knowledge regarding the crime.

Cabty made this communications in the county jail, and divulged there were many suspects, and several evidences to the case, and included that there was hair located on the victim.He did not state that the hair was red, when he could plainly see that affiant was ~~blol~~ blonde by facial hair on affiant. Canty stated that full investigations would be conducted, and that he "would" release "all" the evidnece to the case.

This party made several decisions regarding appearances and the clients need to investigate, asking for continuances.This party Canty ~~asked~~ said what evidences ~~that~~ should be examined, and whether the hair should be examined, and affiant aggreed it should, along with all of the evidneces.

Canty agreed that affiants DNA will be examined to support and corroberate that affaints DNA would be older than the crime, and for possible discrepencies or protocal,and contaminations, being that affiants DNA was located in two seperate locations,inside the victim, and on a "desk blotter.

Affiant explainexd that he was with the victim the week prior to her murderx and that he was there with her and another woman, and thAT this contant was consensual and ~~and~~ that when affiant left, all parties were uninjured and alive. This was later supported by the states experts that affiant's DNA was older than the crime from between 1½ days older than the crime tp several days (1-5) days before the crime occured.

Canty agreed that the DNA's would be expertly examined, but he did not reveal that there was in fact other DNA collected ffom this case, and prevented this knowledge from his client that asked to see allthe evidence.While the attorney told the affiant that there was no evidence that pointed to affiant as culpable.

The fact this attorney knew what evidences ~~that~~ existed, but ~~s~~ witheld that there was x red hairs collected from the scene, and that they had the root structures fully in tact violated his duty to fully disclose to his client that requested to see all the evidences to the case, in direct violations to professiaonal conduct and fiduciary obligationns regarding fully understanding disclosure, specifically when his client dec;lared to be innocent, and the evidences were disclosed to him and his lawfiorm, before consultatiuon.

Canty never ~~rel;eases~~ released any evidence .

On or about May 2009 David Sanders was appointed to represent affiant, and aggreed to discuss the casde with the affiant in full, after affiant stated that he was innocnet, and wantged to see all the evidences to the case.

The affiant divulged that he was innocenmt and nedded to ~~ss~~see all the discovery to the case, in order to make reasonable decisions regarding be charged for a crime the affiant was innocnet of.The attorney Sanders agreed to rel;ease all the evidneces, knowing that there were over 4000 pages that existed. BEFORE HIS CLIENT ASKED.

The attorney stated that the DNA ;labratory graphs would be difficult to understand without specialized training, and education, and that they would only confuse the affiant.The aatorney and affiant aggreed that the DNA reports regarding the affiant [only] would be witheld, but that the rest of the discovedry would be re;leased to affiant while incarcerated. SANDER SAID THERE WAS 1000 DNA PAGES, THERE IS 340 ONLY

The affiant spoke to the ~~attorney~~ attorney stating that he was innocnent, and had been with the victim the week prior to her being murdereed. The attorney Sander agreed that all the evidences would be expertly examined by labratory and experts would be hired.

Sanders knowing that there were other DNA's located to the case that did not belong to plaintiff, witheld these facts from his client that clearly asked to see all the dsicovery, and that he was innocent.

Sanderds admitted that he discussed the case with Canty, which revealed all the aggreements by affiant and the attonrye's office regarding a defense, which included the affiant had a releationship with the victim prior to her being murdered, but that he did not commit the crime for which he was charged.

On or about June 2009 Sander mailed a package with 300 pages of discivery, tellinghte affiant that this was all the discovery except for the affiants DNA labratory reports . This mailing inclidd almost 300 pages +/-.(5-10)PAGES)

1) 1985 reports from John Sullivan were released where Sullivan stated thst Rita had arrived at his party, and that she had been drinking, and twhat she left after he had fallen alsee asleep around 9:30-10;30 (aprox)That they were friends, and that she arrived drinking abottle of liquor and that he gave her more.

ALL OTHER REPORTS WERE WITHELD

The party Sullivan made seperate and different statements to the pbolice in 2009, which contradicts what his 1985 statement said, and the 1985 statement matched every other reports by other witnesses regarding Sullivaas falling asleep before Rita left his drinking party.This 2009 statement states that he was not asleep, but that he withessed Bruce Nash and Cynthia giving Rixta a ride home the night she was killed.

Thius party made styatements consistant with his 2009 report which contradicted every other report, witness, that he seen Bruce Nash giving Rita a ride home the noight she was killed.

THE FACT THIS SCOND REPORT WAS WITHELD PREVENTED THE AFFAINT FROM ASKING THE ATTORNEY TO IMPEACH THIS WITNESSES STATEMENT BY THE 1985 POLICE REPORTS, AND THE ATTORNEY DID NOT CHALLENGE THIS STATEMENT EITHER, FORFIETING RIGHTS OF HIS CLIENT WITHOUT FULL DISCLOSURE

THIS WITNESS GAVE CONTRADICTORY STATEMENTS THAN BRUCE NASH, WHO STATED HE DID NOT GIVE RITA A RIDE HOME THE NIGHT SHE WAS KILLED

2) 1985 report by Bruce Nash were released where he stated that he seen her at the Sullivan drinking party on Friday before she was killed, and that he offered her a ride home, because she was so intoxicated, but that he left the party before Rita leaving around 9:30-10:00 AND THAT SHE REFUSED HIS OFFER TO DRIVE HER HOME.

ALL OTHER REPORTS WERE WITHELD

This oparty made a styatements to the police in 2009 that was identical to the statement in 1985, and emphasized that when he offered Rita the ride home, that she had told him she was going to a bar a called the Zodiac lounge.

Thgis oparty made statements in court consisitant with his previous statemsnets except that he stated that she had been headed home which contradicts that she had told hoim she was going to a bar and not home, but that he did not give her a ride

THE FACT THAT THESE SECOND REPRTS WERE WITHELD PREVENTED THE AFFIANT FROM ASKING THE ATTORNEY TO IMPEACH THIS WITNESS STATEMENT

THAT GAVE DIFFERENT INFORMATION THAN HIS TWO PREVIOUS POLICE RPEORTS AND THE ATTORNEY DID NOT CHALLENGE THESE STATEMENTS EITHER FORFIETING RIGHTS OF HIS CLIENT WOITHOUT FULL DISCLOSURE.

3) 1985 reports for a party named Gregory Rando;ph were rel;eased where thios party two days after the crime was commited, was arrested for DUI. Another where this party walked into the sheriffs department on his own stating that he heard they were looking for his help to solve this crime, and the last time he had seen her weas two weeks before she had been found.And another where this party had been investigated by detective polacios.

ALL OTHER REPORTS WERE WITHELD

This party had made statements while under arrest for the murder of Rita after his confession was reported, and made statements that he had met Rita at the same bar she said she was going when she told Nash she was headed to the Zodiac Lounge on that friday night she had been killed.His confession was detailed and descriptive on how and why he killed Rita. This confession was in 1988 and an arrest warrant was ordered for Detective Polacios who interrogated this party.There were DNA collections for this party from an ashtray that was on the common area table that had 8 butts in it, while two of them were Gregory Randolphs (alone) while another had his DNA on one opf the victims butts. THIS PARTY CONFESSED HE MET HER ON THAT FRIDAY BEFOR RITA WAS KILLED

This party for some reasoin was released before forensics were processed, and later commited suiciude.His suicide scene was processed, where they locateed several (Trophies) of photographs of murdered women in his residence.This party's conduct as a cornoner was suspicious, and his behavior around local police detectiveds raised suspicions, then after investigating preliminarie collected Randolphs cigarette butts and placed them into the labratory for matching. These matches to the crime of Rita Cobb came after he had commited suicide-

THE FOACT THAT THESE REPORTS, AND CONFESSIONS INVESTIGATIONS WERE WITHELD FROMM THE AFFIANT PREVENTED HIM FROM UNDERSTANDING WHAT EVIDNDCES THAT NEEDED TOP BE EXAMINED, AND SINCE THE AFFIANT ASKED TO SEE ALL THE DISCOVERY, AND WAS TOLD THAT ONLY THE AFFIANTS DA DNA WERE FOUND, ALLOWED THE ATTORNEY SANDERS THE ABILITY TO NOT INVESTIGATE THIS EVIDENCE OR NOT.SPECIFICALLY, THE ATTORNEY NEVER DISCLOSED THIS CONFESSION EXISTED, UNTIL JUST BEFORE THE TRIAL, AND THEN ONLY STATED THAT THERE WAS A GENERIC CONFESSION TO THIS CASE, AND THAT THE INFORMATION WAS VAGUE, OR SPECIFIC, AND THAT THERE MAY NOT EVEN BE A NAME.THE ATTORNEY STATED THAT THERE WAS A CONFRESSION BY SOMEONE THAT SAID IN 1988 THAT HE KILLED SOME[ONE] THREE YEARS AGO, BUT THAT THEY DID NOT SAY WHO THEY KILEED. THE ATTORNEY NEVER STATED THAT HIS DNA WAS FOUND AT THE CRIME SCENE, OR THAT HE CONFESSED TO THIS CRIME, WITHOLDING THE SPECIFIOCS REGARDING THE CONFESSION, AND THEREFPORE MAKING DECISONS TO INVESTIGATE THESE EVIDENCES BY NOT INVESTOIGATIONG THEM AT ALL, FORFIETING RIGHTS OF HIS CLIENT WITHOUT FULL DISCLOSURE.

4) The attorney released one set of interrogation transcripts that was 113 pages in length, I after reviewing this tranascript, told the attormney that it was incorrect,and that answers were altered. He stated that they were only interpretations, but that if this case went to trial that verbatim would be used. I wrote the attorney letters regarding this and called. The phone GTL records will verify this conversation.I explained that I was interrogated outside of MIRANDA and that an entire portion of the interrogation was completely removed. The attorney said that it was not what he seen.

ALL OTHER VERSIONS WERE WITHELD

This party,knowing that there was a 136 page version, chose to release only the 113 page version which do have indentifyers there were alterations in the way it read, and compared to the 113 page version show that answers had been re-stated into different parties ,and more.There was a cam corder copy that would authenticate the last 2 hour and 40 minute of the interrogation . There are personal recorders that would verify that answers were altered from one to another, and into different locations.There was another version created for trial ~~part~~ purposed that was audio and video, where it shows that answers were altered by mechanical devices, to creatre an audio and video version .

The witheld version support affiants statements to the attorney, who knowingly witheld the other sets.

This party participated with the state to create an altered version which included ~~an~~ audio technician training where a recording was made with the altered answeres from one to another, knowing that these altered versions would be produced in the hearing. The fact that the aattorney had been told this, and written this in letters before the trial, indicates the attorneys willingness to ignore his clients reasonable, and intelligent concdern regarding the ~~at~~ authenticity and correctness of evidence, that after alterating it places the affiant into a suspicious nature, with [intent,and motive] which was used by the state, knowing these facts were false, especially when his client stated that he was inncoocnet, which was corroberated by the states own experts regarding affaints DNA.

THE FACT THESE OTHER FACTORS OF AUTHENTICITY EXISTED, AND THE ATTORNEY CHOSE TO GIVE HIS CLIENT, THAT STATED HE WAS INNOCNET, THE SET HE KNOWINGLY UNDERSTOOD WAS INCORRECT BY VISUAL COMPARISON OF ONE SET BEING ~~T.~~ 113 PAGES LONG AND THE OTHER 136 PAGES, MAKES IT IMPOSSIBLE TO NOT SEE.THEN TO TELL HIS CLIENT THAT IT WAS AN INTERPRETATION, WHILE HE KNOWINGLY WITHELD THERE WERE OTHER VERSION CRIPPLED HIS CLIENTS UNDERSTANDING OF FACTS REGARDING THE ACCURACY OF A CRITICAL PIECE OF EVIDENCE AND DEFENSE WHERE ALL OTHER EVIDENCES INTHE CASE REGARDING AFFIANT DO SHOW AFFIANT WAS NOT THE PERPETRAITOR TO THE CRIME. THE COURTS AND STATE USED THESE ALTERED EVIDENCES TELLING THE JURY THE ONLY REASON A PARTY WOULD LIE IS BECAUSE OFF GUILT.THE ATTORNEY PARTICIPATING INTHESE ALTERATIONS WITHOUT HIS CLIENTS KNOWLEDGE MAKES A CLEAR SHOWING OF THE ATTORNEYS INTENT TO REJECT HIS ~~CLINE~~ CLIENTS PLEAS OF INNOCNECE, AND THE ATTORNEY PERSONALLY WORKED WITH THE STATE TO CREATE THESE EVIDENCS THAT WOULD EVENTUALLY CONVICT HIS CLIENT OF A CRIME THAT HE WAS INNOCNET OF.

5) The attorney witheld any evidence collections sheet, that was created for the crime scene, and prevented his client the knowledge of being able to ask specific inquiries regarding materail evidence that was relevant, regaring DNA's collected from the crime scene specifically a watch pin that was collected fromthe victims immediate location. The state used this evidencein the trial stating that it was the affiantsand was proof of the crime that was commited. The fact this evidence does exist, and is DNA magnificent makes this a very cuplable piece of critical evidence.Being that the affiant stated that he was innocent and the state found a valuable piece of evidence that directly links to the crime, and has DNA located on the item. The DNA located on this item will not belong to the affiant, and since it was left there by the perpetraitor of the crime, the DNA result for this item would clear his client.The attorney knew this item existed, and agreed, conspires to withold this evidence fromhis client until the day it was presented inthe trial cripples his clients right to facts that would clear him of the crime, and incuplate another, especially since he was told that his client weas innocent.

The attoreney witheld this evidence,did not examine this evidence, and when he was told by the state that ist would be used in a hearing of and that it was evidence left behind by the killer while the state experts testified that it will have DNA located on the item , and that his ~~cline~~ client was innocent forfieted rights of his client without full knowledrge when the client asked to see allthe discovery to the case, and for unknown reason,, the attorney decided to release only 300 of the over 4000 pages does show the attorney's intent to forfiet his clients rights later as the hearings were being developed, and ultimatley when the state presented this critical piece of evidence that the crime was committed and the culpprit left this evidence behind as the victim struggled for liofe.

KNOWING THIS EVIDENCE WAS COLLECTED AND WOULD BE USED, AND DOES LEAD TO THE CULPRITY THAT COMMITED THE CRIME, THEN TO HIDE IT"S EXISTANCE FROM HIS CLIENT AFTER THE CLIENT ASKED TO SEE ALL THE DISCOVDERY IS MORAL TURPITUDE AS IS ALL THE ABOVE STATED ACCUSATIONS THAT ARE PROVABLE.

6) The attorney witheld that there was a red hair with the entire root bulb attached, and that it was collected from off the victims torso. The facts the attorney knew this evidence existed and chose to hide it from his client that was BLONDE AND THAT IT WOULD HAVE DNA located on the root, while his client stated that he was inncent shows the attonrey's intent to later violate his clients rights as the state developed the case in the trail. This item was pulled fromthe housing of the person that commited the crime, and knowing that the hair was DNA capable, and had it's entire root structure fully in tact would prove his clients innocnece is moral turptitude as is all the above statements accused.

The attorney knew this evidence woul;d clear his client for a crime he was charged, but made the conscious decision to withold it's exiastance from his client while the states own expert stated

this item will have DNA located on it, and that it was collected from a victim that struggled as she was being killed makes this a very critical piece of the states case as intent in the crime of murderm, and that struggle occured. ESPECIALLY WHEN THAT DNA DOES NOT BELONG TO AFFIANT

THE ATTORNEY MADE A DECISION TO WITHOLD THAT THIS EVIODENCE EXISTED AS THE REST OF THE B ABOVE STATED WITHOLDINGS, FOR ONE PUIRPOSE ONLY, TO INTENTIONALY VIOLATE HIS CLINETS RIGHTS NOW, AND LATER AS THE CASE WAS BIENBG DEVELOPED BY THE STATE.

The affiant here John Henry Yablonsky was intentionally injured by a state bar licnece holder, violating state and federal laws as he participated, assisted and worked with the state for favor, to convict his client. VIOLATING FIDUCIARY OBLIGATIONS + RULES PROF. CONDUCT.

The affiant clearly had an interest in his rights, when he made legible and understandable requests to see the evidences of the crime he was charged, and was then given 300 pages and told that was all there was, this, was done to prevent the affaint from seeking outside counsel, and to handcuff his knolwedge of the [facts] that would have influenced his decisions about seeking funds to hire experts. Then to lie to his client, about the evidnece, preventing his client from making reasonable and rational decisions regarding his interests and rights regarding a charged crime, and then to not do the professional job himself has only one explaination, and that is to assist the state in convicting a party, innocent or not.

David Sanders admitted on the records, in a marsden hearing that he lied about the release of the evidnece and that he had to be begged for the discovery. , that he gave only 300 pages of the 4000 pages before trial, and then after being begged and threatened to release another 1300, but not until after the trial shows the scheme of this attorney's plan to assist the state, for which he works in a conviction.

The attorney then, repeatedly tells his client that he had completed all the investigations of the affiants DNAS evidence and all the evidneces, (which the affiant did not even know existed until after trial) had been completed and theat he, the affiants team of ;lawyers were ready for trial, when they had not investoigated one hair, one watchpin, or any of the [many] evidences to the case not only meets the gravity of moral turptitude, and violations to every

function as a licnesed bar holder, but destroys the very fabric of the rights under the federal consteitution to a defense. Then to hide these acts until the entire state appeal process has expired, shows the attorneys repeated efforts to destroy his clients rights to due proicess and equal protections under the state and federal laws.

I was placed into cell for a crime that I had not commited, wrote several hundreds of letters pleaing for assistance, and help to correct this act, which could very well get the client killed because of the gravity of the offense he was convictred becuase opf the attorney's planned act behavior and neglect is inhumane.

Mr. Sanders had defaulted inthe state lawsuit, but at the same generocity as he showed them in proesecuting me, they assist him in his defense, which was given leave to amend.This constitution is a disgrace if the practitioners that are trained, and licensed to practice it do not respect it., ot the clients they represent during those hearings. He's a liar, and criminal, that should be disbarred and prosecuted under state and federal laws for his breech of fiduciary obligation to his client, and his oath to the bar to protect the constiotutio of the state and it's laws.

If this office doed not take action, I will include your position in the courts as a defendant, under joinder and violations to professional ethics of the government codes.

I appeal the bar initial investigation, and ask the partioes who review to accept every word in this complaint that are the truths, ~~as~~ acts againdt the party that was injured by the moral turptitude and careless disregard of one of your attorney's ~~at~~ that has alresady been disciplined for lack of complinace.How far doi you think he will go to continue to hide his deleliberate acts to his client?

I have attahced a copy of my complaint inthe state court which I will repeatedly appeal inthe state courtroom and federal arenas if the state courts repeatedly show favor. He defaulted, and was shown favor by the samee state he worked with. These errors need to stay hidden, lest many state officials will be made to suffer leagl consequences.

Respectfully,

John Henry Yablonsky