

DOUBLE
SIDE

FEED

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

In re JOHN HENRY YABLONSKY

E071880

on Habeas Corpus.

(Super.Ct.Nos. FVI900518,
WHCJS1800338 &
WHCSS1200311)

The County of San Bernardino

THE COURT

The petition for writ of habeas corpus is DENIED.

CODRINGTON

Acting P. J.

Panel: Codrington
McKinster
Miller

cc: See attached list

1 John Henry Yablonsky AL0373
18-147
480 Alta rd.
Sandiego,ca,92179

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8 CLERK OF THE COURT
9 COURT OF APPEAL
FOURTH DISTRICT, DIVISION TWO

10 In Re John Henry Yablonsky, § CASE NO.#EO71880
11 On Habeas/Coram nobis, § Superior Court trial#FVI900518
12 § Superior Court Habeas#WHCSS1200311
13 § Superior Court Habeas#WHCJS1800338
14 § PETITION FOR REHEARING PURSUANT TO
CRC RULE 8.268(b)(1)
§ PENAL CODE §1473, 141
15 § SENATE BILLS 1909, 1134, 261
§ *RULE 5.1.13 CRC HABEAS CORPUS*

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17 CASE SUMMARY

18 Petitioner was tried and convicted by the Superior Court
19 of California in Sanbernardino county for murder in the first degree
20 consistant to P.C. § 187, and found guilty by the use of false
21 evidences. Petitioner timely filed direct appeals which had been
22 determined without the evidneces or facts within this petition
23 herein. Petitioner filed petition for review by the State Supreme
24 Court and that determination was also made without these facts or
25 evidneces filed herein this petition. Petitioner timely filed habeas
26 corpus with the Superior Court inthe district his conviction was
27 determined. That Court rules on several matters that [IT DID NOT
28 HAVE JURISDICTION] denying that petition with these allegations

1 stating that petitioner did not have proof. Petitioner diligently
2 sought to develop facts which revealed evidences to support the
3 claims made at the Superior Court level which were being piecemealed
4 by trial counsel and post trial counsel from ;
5 June 2009 where 300 of the 5000 pages were released
6 March 2011 where 1300 different pages were released from the 5000
7 July 2014 where trial counsel released another 1600 different pages
8 than the first 300 or the second 1300 out of the 5000
9 pages and not until the state bar got involved
10 January 2016 where post trial counsel finally released the full
11 case filed releasing 5300 pages which included the first
12 disbursement in 2009 of 300 pages, the second disbursement
13 in 2011 after the trial had concluded with 1300 more,
14 as well as the third disbursement of 1600 pages.
15 This fourth installment also contained a compact disc
16 of the evidence used during trial which confirms that
17 state actors alered, manufactured evidences they relied
18 on in their conviction

13 MARCH 2018 PETITIONER SUPREME COURT CERTIORARI WAS
14 DENIED REHEARING

14 Petitioner filed a second successive habeas petition
15 in the Suoperior Court as soon as he could validate and confirm
16 these records that had been piece mealed over a period of seven
17 years after the very first initial demand for the states entire
18 filed. (see exhibits 1 through 11). The Court at the second succes
19 ive level denied the petition prejudicially, stating that petitioner
20 took too long to develop these facts on October 9, 2018 (CD3:5-11)
21 Most importantly the Court ignore the fact that the first habeas
22 petition Judge Kyle Brodie stated that the Court lacked jurisdiction
23 to hear those claims stating the petitioner did not have [PROOF]!

24 The evidences presented in the original trial were not
25 substancial on their face outside the manufactured evidence, while
26 two experts stated (Dr. Saukel " That the DNA matching petitioner
27 was at least one and a half days older than the murder"(RT490)
28 (Pathologist) (see exhibit 51)

1 (Criminalist Jone stated " That several days had passed since the
2 sex, and he was certain of these findings" (Rt317) (See exhibit.51)
3 Petitioner was not seen at the residence, his fingerprints were
4 not located at the scene. (see exhibit 29) The victim was seen
5 at a party the day after petitioner had had sex with her, and was
6 seen there alive by three different persons who testified at trial
7 that they seen her on the night of Friday Sept3ember 20, 1985.
8 (see exhibit 13 Bruce Nash) (see exhibit 14 John Sullivan)
9 (see exhibit 14 Francesca Drake)

10 Rita Cobb was seen alive at the bars the night she had
11 been killed by several parties who offered statements that are mem-
12 orialized her. (See exhibit 16 Gregory Randolph) (see exhibit,21
13 Sheryll Brodus)(see exhibit 22 Ron Campbell)(see exhibit 24 Rene
14 Smith)(see exhibit 25 Fred Halbrook) Most strikingly odd was
15 that Gregory randolph not only seen Cobb at the bar, but admitted
16 to friends that he took her home and killed her. His confession
17 report led to arrest and other fact developing evidneces while
18 after he had been released and before these evidences had even been
19 proçessed for DNA matching, killed himself before his DNA was tied
20 to this case. Trophies were located in his crime scene in the form
21 of photographs of murdered women.

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ARGUMENT

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The rules and laws surrounding newly discovered evidneces
apply in this matter regarding the use of false evidnece. The compact
disc accepoted by thie Court,as well as the Superior Court second
habeas confirm that the state prosecutor and his cronie Detective
Sheriff deput Robert Alexander altered answers given by petitoner.

1 This very Court admitted that petitioners DNA was not
2 a factor in their ruling in 2013 "That defendants DNA was at least
3 one and a half days older than the crime of murder, that [A] could
4 have had sex with Cobb on Thursday night, and been killed by [B]
5 on Saturday " (COA 13) This Court also found that Rita Cobbs statement
6 to Bruce nash was relevant and should have been allowed in the trial
7 because "Although her statements was that she was going to the
8 Zodiac Lounge, she could have gone to another bar that night, also
9 she may have gone to the Zodiac Lounge and been waylaid in the park
10 lot"

11 YOU GOTTA READ THE CONFESSION REPORT EXHIBIT 16!!!!!!

12 This confession is not only ironically coincidental that
13 he confessed to meeting her at the exact same bar she said she was
14 going, but his details of the crime scene were morbidly accurate!
15 How else would he have known that she was going to the Zodiac lounge?
16 This brings us to the manufacturing of the evidnce. Furst these
17 actors had a parrent for arrest and still spoke to petitioner without
18 miranda, recording these evients. They then did not transcribe these
19 until after a lawsuit provoke the prosecutor who litterally had
20 less than nothing to prosecute petationer for this crime chose to
21 make evidnce that ties him to culpable behavior by oplacing a key
22 to the victims home into his possession. There really was nothing
23 else presented to these jurors that even implied petitioner had
24 anything to do with the case. DDA Ferguson admitted this when she
25 stated in here defense of petitioners first habeas, "That the defend-
26 ant admitted to having a key to the home of Rita Cobb and the jurors
27 used this exhibit 49A to make their decisions." You cannot unring

1 the bells of the Court (THIS COURT LACKS JURISDICTION) deputy prose-
2 cutor Ferguson (Collusory allegations without more is insufficient)

3 These allegations are now before this Court and are more
4 than sufficient, and supported by the laws under P.C. 141, 1473!!

5 Aside the fact that petitioner is innocent. Even if a
6 party was guilty the laws under P.C. 141, 1473 state the conviction
7 should be revered if there is a reasonable probability that the
8 false evidnece influenced the decision. Hell, it was the only evid-
9 ence that even implied petitioner committed any crime!! Placing
10 that fact on to½p that petitioner really is innocent and was in
11 another county at a family function at the time this murder occured
12 which was not investigasted by the trial counsel† does not change
13 the fact he was not at the crime scene the day the murder occured!!

14 PETITIONERS SECOND AND SUCCESSIVE WAS TIMELY
15 UNDER THE PREVAILING CIRCUMSTANCES THAT WERE OUT
16 OF PETITIONERS CONTROL,

17 AUTHORITY

18 All rules laws and authority in petitioners breif filed
19 herein the original filing are now and hereby incorporated by refe-
20 rance herein. Summary denials on meritorious habesas under federal
21 violations in state courts was not sufficient to rely on last court
22 decision or reason when it is [obvious] that the state court had
23 overllooked or disregarded petitiioners rights Ylst v Nunnemaker,
24 501 US 797, 806, 111 S. Ct. 2590, 115 L.Ed.2d 706(1991)'; Williams
25 v Cavazos 646 f3d 626, 635(2011); Johnson v Williams 568 US 289
26 (2012) That the state Court decision on which the Court relied was
27 not consistant- a-constructiebn constitutional decision (646 f3d
28 at 640) Summary denial can be refuted by [STRONG EVIDNECE] Kernan
v Hinojosa 136 S.Ct. 1603(2016)


CRC 5:1.13 ALL PETITIONS FOR WRIT OF HABEAS
CORPUS OR CORAM NOBIS SHALL BE ASSIGNED TO
THE PRESIDING JUDGE OF THE APPELLATE DIVISION,
CONCLUSION

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3 This is not what the constitution called for under the
4 XIV Amendment regarding the loss of liberty by the denial of due
5 process from state laws that are not being applied properly. The
6 law under P.C. 1473 are clear that if there was a use of false evid
7 ence and that ruling was determined by this fasle evidence then
8 the case must be vacated and bound over for a new trial based on
9 the truth. The Superior Court denied jurisdiction, the $\frac{1}{2}$ prosecutors
10 office stated that collusory allegations without more was insuffic-
11 ient, suggesting if there was proof, then habeas should have been
12 granted.....WELL, THERE IS PROOF AND THIS COURT HAS
13 IT NOW!!!!!!!!!!!!

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19 PRAYER

- 20 1) Grant petitioner an evidentiary hearing where experts can validate
21 the evidnece before this Court
22 2) Grant a rehearing based on the facts of this case and allow
23 the attorney general to filed oppositrions, or admit false
24 evidence was in fact used
25 3) Any other releift this Court deems sufficient

26
27 April 16, 2019


John Henry yabl;onsky

PROOF OF SERVICE

I John Henry yablonsky an adult over the age of consent and a party to this action have mailed accordjg to regular practivces of this institution a petition for rehearing. This mailing was placed into a n envelope that was postage fully prepaid and addressed tothe fil following

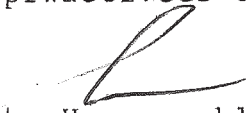
Court of Appeal
3389 12th street
Riverside ca, 92501

Attorney general
box 85266
s.d.ca. 92186

Public Defenders
14455 civic dr
v.v.ca, 92356

This was mailed on April 16, 2019 from 480 alta rd sandiego ca, 92179 according to the rules and prwactivces of the department of correction

4/16/19


John Henry yabl;onsky

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