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18-147  
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2/22/20

RE: FVI900519 People v Yablonsky (Sanbernardino)

*SCARY  
BUT TYPING  
CONSEQUENCES  
RECURSES  
BAD SIGHT  
TODAY*

Dear Mike;

I thank you for the time you take with this, it is alot to consider without outside perspective. Thank you very much;

Consistant to the last questions I respond in kind;

1) The body was located on the back, but the lavidity was located on the outter right arm, upprer ribcage, and noplace else. This indicated she had been killed on her right side and stayed there for some time (lavidity) The photos show this. This ws not addressed in the trial nor discussed outside it was present.

2) The detectoives who arrivated at the scene stated they marked the eviodneces and when collecting them used the same bags for various evidneces causing cross contamination. This was in testimony and nothing contradicted this.

3) The detectives that testified stated that the weapon used was located on the neck and is still available. When I filed for DNA exmainations on thie that demand was refused. When I argued this DNA on this weapin was not mines during habeas breifing the DDA stated that because it has anothe mans DNA on it does not make themn the killer and because I caannot prove who's it is my argu,ments failed. The weapon is still available from my understanding and according to paperwork.

4) There was a red hair located on the nude body which lay on top of a sheet. The red hair had itrns entire roots attached. When I argued this the DNA demand was refused. The habeas DDA stated that even though anoth mans DNA was on the body does not make them the killed, and because I cannto prove it belonged to Gregory randolph my argument failed. Then added there was no proof the hair was red. I provided the forensics report stating uit was red and had the entirte root.

5) There was aw watch band pin located uner the victims head. The prosecutor stated that this was the result of her struggle when she fought for her life. Then stated that because of its size that it beloinged to me. Telling thejurors this after the criminaloist just told them my DNA was not found ON THAT ITEM. Whe I argued this inthe DNA demand they stated it would make no difference in the case. When arguing with the

DDA during habeas she stated that because there was another mans DNA in that bedroom does not make them a killer. That maybe Rita collected watchband pins and saved this one. I flipped out and wrote objections to that crass comment.

6) There was the victims blood smeared into her bedroom door jamb with hands that were ungloved, according to the pics. When I argued this for DNA testing they denied it stating it would not make a difference in the case. When I argued this in Habeas DDA stated nothing and did not address this, and suggested counsels failure to examine this was tactical, and I deserve no relief.

7) The detective who sketched the scene and took photos stated that someone had entered the crime scene while being processed and removed a six pack of beer that had been sitting on the dining table.

8) The body was located on her back, and the pathologist as well as coroner stated there was no physical or scientific evidence that Rita had been raped. This statement was not challenged. This same expert stated that there was a bruise on her knee which could be a bruise.

9) The detectives who processed the scene stated they did not scrape under the fingernails. Nor collect anything outside the bedroom other than the cigarette butts from the dining table which three of matched Gregory Randolph

10) The science of this case shows she had been strangled and the wire wrapped around her neck and tied. By the way they showed her hyoid bone being damaged.

11) When this was being shown the prosecutor made a three minute of silence to indicate how long Rita had fought for her life talking about how she fought and ripped that watchband from her attacker, and left the watchband pin. They showed them a photo of the pin

12) My DNA was located on a desk blotter that was folded and underneath the bed spread. That blotter was cut from the 24 X 18 inch into a 3 X 5. The rest of the blotter was destroyed and not available upon the DNA demand I made. Stating that it was discarded for space accommodations. Something like that.

13) The detectives photographed a set of tire tracks on the front drive, and stated the wheels were 44 inches apart. They during trial presented a witness who seen a silver pinto at the scene the day the murder occurred. When they altered the transcript interrogation they removed the part where the detectives knew my pinto was blue.

14) When I argued this in Habeas they stated I had no proof. I got the proof afterwards which is now before the Court, regarding alteration of evidence. "FRAUD"

15) Once again the DNA experts stated that my DNA was the result of sexual activity that occurred (Dr Saukel -Pathologist- RT 490 "THAT MY DNA WAS AS MUCH AS ONE AND A HALF DAYS OLDER THEN THE MURDER) (The Court of Appeals agreed with this ) (Criminalist Donald Jones stated RT 31"THAT MY DNA WAS AS MANY AS SEVERAL DAYS OLDER THEN THE MURDER, AND THAT HE WAS CERTAIN OF THIS")

16) The prosecutor argued to the Court that his s theory was;

"The detectives gave him three chances tyo be honest about his sex with the victim. Telling him that they did not care, but needed to know whether he had sex with her or not"  
"The Court stated there had to be mormeat onthis skellatin"  
"The proiseucutor argued that because I lied to the cops that it wasds propincity, suggesting anyone who lies is a killer"

#### FACT

When the detectives arrived at my house on Sunday at 0900 with two agencies. One from Sanbernardnio, and another from Signall Hill . They asked about a murdered women while my children were present, wife was present, mother inlaw was present. I knew my sex with Rita was nto related to the murder, and felt that discretion was necessary so I lied!

NO MIRANDA!

I tried to take this interrogatron to the cafe around the corner I discovered that Longbeackj police jjoined this "raid". My requersat for non custodial was denied and then Iw as forced to the police station. The detectiives had a arrest warrant that was issued on March 4, 2009, the interr-ogation occurred on March 8, 2009.

When I got to the polcie station and locked inside area of the jail and asked once more about sex, I did not change my story. Still no MIRANDA

When I asked to call my lawyer they refused  
When I asked to make a call to wife they refused  
When I asked to smoke outside they refused

I WAS CERTAINLY UNDER ARREST!

Even though they allowed me to drive my own car the the station inSignall hill they had a caravan following me with Longbeack marked and unmarked vehicles. Ther ewas about 14 of them from what i seen inthe rear view miirror.

I tried to call my layer at this time but the office was empty and the answerting service did not pick up. I did call my father and told them whatw as happening. Thatw as when I learned the son had been arrested, my father thought. But until this point I had never discussed this with anyone outside the detective who called me back in 1985.

Here is my take on this. That because there was 26 suspects and almost as many DNA's at this crime scene, the DNA argument will be difficult. The innocence project had been working on my case and spoke to other witnesses who were supposed to testify, but were not allowed to.

It is because of the many acts of misconduct there is nothing reliable to this case at all, contamination, uncredible witnesses, and hidden records. My only hope is to find enough groundwork with these witnesses who lied and tie those lies to the prosecutors theory....." That because I lied that I am the killer" Showing that not only was there no evidence in this case suggesting I was guilty of anything outside fidelity issues and lying to the cops 25 years later about that fidelity. But that the prosecutor once he too seen there was no evidence that he took to coercing statements, and then manufactured evidence to at least create a circumstantial case. Pile this onto a panel of jurists who were to believe I may have been charged with 19 murders and this was only one of them.

The COA found the testimony by Bruce Nash should have been allowed uninterfered with. "Which would have stated Rita told Bruce that she was not going home after the party"  
THIS IS RELEVANT

The COA also found that the confession information should also have been allowed before the jurors. But counsel was ineffective for not knowing the rules and laws of evidence, and failed to properly present it.

THIS IS RELEVANT BECAUSE IT MATCHED RITA'S STATEMENT  
SHE WAS GOING TO THE ZODIAC LOUNGE, A PLACE RANDOLPH STATED  
HE MET HER THE NIGHT HE KILLED HER.

The only way to get the COA to consider this strategy is to validate the Bruce Nash testimony was coerced by detectives.

The detective Polacios in 1988 filed an affidavit for arrest on Gregory Randolph for this murder.

These two together will support that the trial was unfair and these informations would have affected a once deadlocked jurist. Third party culpability works like this. If there is direct or circumstantial evidence indicating someone other than the defendant committed the crime, then the jurors have no other choice but to weigh that against all the rest of the evidence, and consider if the third party argument had weight. "REASONABLE JURIST MAY HAVE VOTED DIFFERENTLY!"

Then regarding the altered transcript, which the DDA, the Court found that answers in that transcript were what the jurors relied in making their decisions. ergo, if that evidence is contaminated for being damaged, ruined, or altered, then it should have not been suppressed. Therefore anything shown by it was prejudicial. Reducing the trial to less than fair.

My argument now in the United States Supreme Court is that the ;prosecuto knewe the evidnece had been altered in transcript, then took this evidnece home while the trial was going and created a aduio and text match so he could show the juro. This is my only argument there, abdI have filed my brief. The Solicitor general refused to file a brief. I think because for them to file they would have to admit that the prosecutor perpetrated fraud upon the Court.

THIS WOULD CALL EVERY CASE HE TOUCHED INTO QUESTION!

i wouldnt say anything w either!

That eviden ce is before Superior Court, Court of Appeal and State Supreme Court. They have the compact disc, and transcript, and verifications./

Take a look ,at this with exhibit 49 compared to exhibit 49A both trial records.

At one hour, seven minutes and fifteen seconds into 49, compared to page 44 of the 113 page transcript line 23. The answer was changed from em saying no I did not have a key to Ritas house to saying Um, Yea.

C PLACING EVIDNECE INTO MY POSSESSION

At page 51 of exhibit 49A and compared to exhibit 49 at one hour fifteen minutes and nine seconds this recording was spliced to remove cosutodial argument about station or cafe. A two minute argument.

I have twelve grounds in state court which had all been denied, telling me I was too late, it took too long to develop these. The Court is wrong, which is why i am at the supreme Court of the zunited states.

I HOPE THIS HELPS. MY EYES ARE SHOR I got to stop

Thank you very much

John Henry