

John Henry Yablonsky AL0373
18-147
480 Alta rd.
San Diego, ca, 92179

January 20, 2020

RE ; Case FVI900518 People v John Henry Yablonsky
San Bernardino County 1st deg. Murder 1985'

Dear Mr. Bauer;

We have become acquainted through Scott Hamby which I narrated his petition which you investigated. We briefly spoke on my matter and unless you have time, please wait until the time is convenient for you to consider some of my issues that need help with investigations. I know Hamby's issues are severe and critical.

My case is almost as complicated as Scott's, where police misconducts got in between a fair trial and the facts. My case is presently on line for the United States District Court Southern District Case # JOHN HENRY YABLONSKY VS MADDEN EDCV-14-01877-PA(DTB). This case was brought without the facts, which were eventually released after it had been filed, and six years after the trial, therefore erroneous conclusions were made by the Court.

The District Court relied on facts placed into the trial records by DDA Ferguson who grossly mistated facts of the case, record and evidences when she briefed against me at the first habeas level in Superior Court in 2012. Before my direct appeal had been filed by appointed counsel. After refusing me access to discovery

My habeas then included twelve grounds of prosecutorial misconduct as well as trial counsel incompetance relating to altered evidence, mishandling of evidence and "refusal" to investigate any of the DNA related to this case. The trial record for my DNA was cleared by two states experts who stated my DNA was *more* than one and a half days before the victim had been killed. The second expert stated my DNA was several days older than the murder. These experts were never challenged on the record, nor were any evidences used or found to contradict these experts. The only contradiction to this evidence was placed into the record by DDA Ferguson who grossly mistated facts to depreciate the experts testimony.

DDA Ferguson is not an expert witness

The case originated in September 1985, and more than two full days after the last time I had been with Mrs Cobb. The experts and evidence proves this. Here are the facts of the case.

I was sexually involved with an older woman due to her being my landlord, and my marital issues with fidelity by my wife. This affair began while I rented from her, and lasted until months after I had moved away. All our affairs were consensual and non-violent, and in several locations. Others knew of this affair, but none of those people gave statements or testimony before trial.

There was another woman at the last relation and the evidence proves this, only "that evidence" had been ruined and made not available. A desk cloth from the desk in the common area of the house. "THE LOCATION OF MY LAST RELATION WITH COBB AND ANOTHER WOMAN" My trial counsel knew this, and obviously the prosecutor did as well which is why that evidence was withheld, "outside opinions of its existence". This activity occurred on or about September 18, 1985 around three in the afternoon. ~~DAYS BEFORE THE MURDER~~

Mrs Cobb had a party that night, the other woman's husband came to the Cobb residence after I left, and Cobb was seen at work the next day on Friday. Cobb was seen by Joseph Saunders that Friday evening before Cobb invited him to attend a party up the street that evening. Saunders arrived at the Cobb residence uninvited, and unaware of where Mrs Cobb even lived. In fact he had to ask friends how to locate the Cobb home before he arrived at her home, uninvited, and suspiciously, parking just off of her property over 100 yards down hill from her home.....to visit.

Cobb attended this party up the street at the mini ~~Springs~~ ranch of John and Francesca Sullivan that Friday night. Arriving at the party drinking a bottle of bourbon, arriving alone around 1930 hours. Two hours after she got home. The other party attendees were Francesca and John Sullivan, Bruce Nash and his girl friend Cynthia Hooper who arrived at the party about 1900 hours. Allegedly Joseph Saunders arrived at the party but did not attend. None of the other party goers remembered seeing him at the party, even though he admitted he attended.

Francesca stated she vaguely remembers him arriving at the party but was met at the dirt drive by her and Mrs Cobb, Cobb noticed he was sexually interested and she told him in front of Francesca that she was not interested in a sexual relationship and would welcome a platonic one if he so desired. Inviting Joseph to her home after the party, only Joseph stated he rejected this invitation and went home after that and stayed at the house alone that night. Mrs Cobb was eventually killed that same night.

Joseph committed suicide two months after Cobb was found dead in her home. Evidence located at his suicide scene suggests he had more than a platonic relationship in mind when they found his journals as well as other evidence suggesting his involvement with the murder.

Mrs Cobb was seen at the party until 2345 hours and after John Sullivan had fallen asleep. Bruce Nash as well as Cynthia Hooper left the party around 2130 hours and after trying to convince Cobb to let them drive her home because she was more drunk than usual. Cobb rejected the ride home, telling Nash and Hooper that she was not going home, but was instead going to a bar called the Zodiac Lounge instead. Nash and Hooper left at 2130 hours on 9/20/85 leaving their friend John Sullivan at the party ~~XXXXX~~ he had fallen asleep at 2200 ~~AFTER NASH LEFT~~.

After Cobb left the party at 2330 hours she was seen at two of the towns five bars. One was at the Moose lodge, the other was the VFW. Rumours stated they seen her in a fight at the Zodiac Lounge, but the bar tender stated she did not recall seeing her inside the bar that night.

Cobb was found by her son on September 23, 1985 after he had called her work to verify she was alright. Her son stated that she had gotten a call on Friday afternoon after she got off work asking him for help. That someone had scared the hell out of her after she got home. The record shows the only person arriving at the Cobb residence was Joseph saunder that Friday ~~EVENING~~.

Detectives spoke to several people around town about the murder. Some stated she was a ball buster when she drank, while others admitted to having an affair with her. Others stated she like to frequent the bars to pick up men, and age was irreelevant to her. Some of the bartenders admitted to being sexually involved with her, as well, as her own boss stated she had beens Sexually involved with at least two of her co-workers.

Detectives also spoke to the propane gas man who stated that he had last seen Cobb alive about six weeks before she had been killed, and that when he seen her she was being attacked in her driveway by a bearded man, whom he later found out to be her own son, the one she called for help. Her son admitted that the last time he seen her alive was about six weeks before she had been killed, and the last time he seen her they had a bad fight.

The son admitted that Cobb had been sexually involved with John Sullivan the friend who threw the party on Friday night she had been killed, and that she dated several men. her last boyfriend to his knowledge was Fred Berdard, and heard she was dating someone named Bruce Lee who lived in Sanbernardino. The son also admitted he ended up marrying his step sister Marta. She was with him when they found her dead body.

Detectives then got a mysterious call from one Gregory randolph on September 25, 1985 who stated he heard that the sheriff were looking for him to help them solve the murder. When Gregory arrived, he spoke, and he told sheriff he had not been to the Cobb home for at least two weeks before she had been killed, and he only stopped for a minute. He stated they had not been sexually involved. (remember this statement)

The detectives spoke to another neighbor who stated she seen a silver Pinto in the drive way on the day Cobb had been killed, and knew this because she was a car entheusiast, and knew it to be silver. (NOT BLUE)(REMEMBER THIS)(DETEVICES KNEW MY PINTO TO BE BLUE)

The detectives spoke to a neighbor who lived across the street from Cobb who stated he rememebtred hearing screams for help a while back when she dated Fred Berdard, and knew her to be an alcoholic because he seen her falling out of her car once, too drunk to stand.

My DNA was not located on the outside of her body and was also found on a desk blotter that was located underneath her comforter of her bed. My DNA was not located on the outside of the body, under the body, on her body, or on the sheets of the bed. Indicating my sex with her was as the experts stated "several days before she had been killed!"

The weapon located was a wire hanger wrapped around her neck and tied. My DNA is not on this material. There was a red hair with the entire roots attached located on her nude body, I am blonde. This DNA will not match me either. There was a watchband pin located underneath the victims head. The detectives determined this was ripped from her assailant as they strangled her and she tore their watch free. They took the watch, but forgot to take the pin. This will have DNA on it and will not match me.

There was a rag stuffed into the victims mouth and will have DNA on it from the one who placed it there. This will not have DNA matching me on it. There were fingerprints located at the scene in the victims blood. The prints were unreadable but they will have another's DNA. That DNA will not match me.

IT WAS AN UNGLOVED HAND ACCORDING TO THE PHOTOS.

There was a glass which had a print matching Joseph Saunder who admitted to being at the home, being offered to return to the house after the party but stated he never returned. The only other readable print at this house belonged to the victim Mrs Cobb. Mrs Cobb was a heavy smoker.

They located an ashtray on the dining room table which had eight butts in it. They were matched to Cobb, Her son, and Gregory Randolph was on two of them. One of them matching Randolph also had Cobb DNA on it. This was a common area of a smokers house. There were only eight butts.

They locate tire prints in the front drive way horseshoe shaped drive with a 44 inch wheel base. The detective who sketched the crime scene stated from the time he sketched the house to the time he took pictures someone had taken a six pack of beer from the dining table. (THIS EVIDENCE WAS MISSING ALTOGETHER).

NONE OF THESE EVIDENCES WERE PROCESSED FOR THREE YEARS!

Three years after the murder Gregory Randolph was at a party bragging how he had killed Mrs Cobb. How he met her at the Zodiac Lounge took her home, got into a fight because she ~~she~~ wasn't ~~was~~ sexually attracted to him. That he strangled her until she turned black, and then he raped her. The party goes freaked out and called We-Tip to report the confession. This was assigned to homicide who went to visit Gregory and found him to be suspicious. A warrant was filed, and ordered for the arrest of Gregory Randolph, and he was arrested three days later for the murder of Mrs Cobb. Arresting him on August 1988, three years after the murder.

During the interview he stated he was a "county coroner and had last been to her home "two days" before she had been killed. The detectives gave him and his then paperwork a code name instead of using his real name because of his employment. Naming him William Backhooff. *TO KEEP THE CONNECTION SECRET FROM GOV. EMPLOYEES*

The evidence to this case was started for processing due to the confession and warrant and arrest. Because none of the evidence returned in time the detectives released him leaving his case open. The officers had saved the cigarette butt he left at the sheriff station in 1985 and now processed this through science laboratories in 1988, which still had not evolved the DNA to current standards. But his DNA was eventually matched to two of the cigarette butts in the dining table ashtray with six other butts. Butts which had been placed there just prior to and at the time of the murder. (EIGHT BUTTS IN A SMOKERS HOUSE COMMON AREA TRAY) *REMOVED IN TIME*

None of the DNA was completed before Gregory Randolph, William Bachoff committed suicide on June 1, 1999. When detective processed his suicide scene they found dozens of trophies in his trailer. The trophies were of photos of murdered women. It is believed that at least one of these trophies were of Mrs Rita Mabel Cobb.

On December 2002 SBSO sought the help of VICAP who generated a profile regarding five women who had been killed by the same person. Cobb was one of them. This was created by FBI VICAP analyst Witlow. It turned out that one of the five had been killed by a man named Robert Edwards who was convicted and sentenced to death and is now residing on Death Row as you read this letter.

The issue with this is that this report shows that Mr Edwards was in prison at the time the murder was committed. He was in prison for another case, indicating he was innocent of the murder he had been convicted of.

This case was matched to at least 26 different suspects over the years, none of which led to charges being filed outside Randolphs. *OR MINES*

I lived in the same area for two years after this murder and was questioned by at least one detective or investigator and gave them all the information I had regarding anyone whom I believed would have done this. My DNA was not collected until 2008 when I was being processed out of LACJ for a warrant failure to pay fine. This DNA was matched by CODIS to the case and appointed to cold case detectives out of San Bernardino and county district attorney Michael Ramos. *COUNTY DA*

I was arrested on March 2009 when detectives arrived at my home with two other agencies. Long Beach, Signal Hill and San Bernardino sheriff. I was interrogated in front of my wife and kids about my sexual involvement with a murdered woman. I denied any sexual activity because of this. This interrogation was outside MIRANDA. I was then forced to the police station where I repeated the denial, and was eventually arrested for this murder.

When I spoke to my attorney, without knowing the results of the evidence collected or what evidence collected, told him I was sexually involved with Cobb for several months before her murder had had last been with her the week prior to her murder, and that I was there with her and another woman at that time in the office area of the house.

Because of my then financial situation I was appointed counsel and made demands to that counsel to see the states entire case file because I was innocent and wanted to see why they felt arresting me was necessary. He told me he had seen the entire file and there was absolutley nothing in the states records which indicated I had anything to do with the murder. I told him I was factually innocent. He promised to provide the entire file. This was on March 11, 2009

This counsel stated there was DNA quality evidences at the scene, and promised he would have them tested. This atrtorney was reappointed elsewhere and another attorney was appointed, who also stated he would release the states entire file. This was about June 2009. He released 300 pages telling me that this was the states entire file for this case, excepts for the DNA examinations on me which was about 1000 pages. I believed him. *THIS CASE HAS 5400 PAGES*

I explained to him that the first attorney told me there was hair located ON THE BODY AND WAS GOING TO HAVE IT EXAMINED. he stated that he too would as well as other evidences from the scene. In the 300 pages he gave me was a transcript from the interrogation which was 113 pages. I told him that this was not the entire transcript that alot of what was said was missing as well as answers given by me were not what was said, Changed my answers. He told me that this was an interpretation, but originals would be used if the case went to trial. I believed him.

Throughout this representation I kept in contact with his regularly asking about investigation progress as well as expert examinations on the weapon, the hair and other items collected. he stated they were being done. Again I expressed I was innocent. My bail was raised from one million to five, then no bail making bailing impossible. I had at that time used a business attorney who helped guide some of my questionoing with regards to the DNA. He could not represent me because of the distance from Downey to Sanbernardino. Other trial counsels asked for 165 K up front to examine the evindeces and more if the case went to trial.

I WAS FINANCIALLY INCAPABLE OF THIS AMOUNT

My attornrye told me in April 2010 that he had completed all the investigations and that this case was ready for trial, asking to place this onto the calendar. Again I exclaomed my innocence and he told me that was what the evidence showed. I gave permission to schedule trial dates to start on June 2010. What trial counsel did not tell me was that he had agreed with the county prosecutor to scehdule this case before a campaign for re-election as county prosecutor who filed charges to be re-elected.

On May 2010 less then three weeks after the case was calendared for trial to begin and less than three weeks until the trial was to begin, he flooded the entire county with poster sized bulletin posters claiming he filed nineteen murder charges on me and that I was scheduled for trial later that year. Mailing these into the homes and busiunesses of every regiustered voter.

When trial did eventually start the entire venire who was asked whether they seen these flyers "EVERYONE" raised their hands. None of them were removed from the venire.

When I found out about this by jailers who showed me the bulletins they received at their homes. Only they told me this was placed into the newspapers. I made calls and found out these were sent to their homes. I called trial counsel and asked him about this. He stated he tried to make a statement to the media but they would not listen or take his statement. I blew up at him! WTF!!!!

I told trial counsel I was going to sue him, and the county prosecutor. I did. I filed charges on the county prosecutor in a complaint for change of venue as well as 5 million dollars. I hired private investigator as well as process server to serve the complaint and file the proof of service. The night this was served upon him the jailers attacked me in my cell, making threats on my life, then took all my legal files.

The county prosecutor was served the complaint on October 2010. On November 2010 the detectives as well as trial counsel created another set of interrogation transcripts, now creating two versions. One was still the 113 page version but redacted custodial hallmarkers, and changed answers. They created another set of 136 pages, still redacting custodial markers as well as changing answers.

I did not know this was being done.

My trial began on November 2010 where pretrial motions were filed. One 995 motion before Judge Nakatōa who seen the states entire case file stated he intended on granting this case to be dismissed for lack of evidence. The prosecutor belted out he had evidence, trial counsel stated he would stipulate there was evidence. One hour later the judge changed his mind without a showing of "THIS EVIDENCE" the prosecutor allegedly had. He couldn't have, I did not commit this crime.

At trial trial counsel carried in five bundles of evidence in binders as well as dragging a cart filled with more. I was shocked at the amount of investigations this man did, and asked to see what was inside. He permitted me to look. From the first binder to the last I seen these were states records for the case going as far back as 1985. There had to have been 6000 pages I thought. My heart sunk!. I had been bamboozled by trial counsel. I scanned these as fast as I could while trial counsel was being given opportunity to engage third party culpability issues with Robert Edwards as well as Joseph Saunders. Trial counsel had done no investigations nor had he any trial knowledge on how to get these facts into the trial record. They were buried. *HIDDEN UNTIL NOW*

Then I seen the we tip report and once again trial counsel was given opportunity to engage this as third party culpability into trial record and once again he had done no investigations nor had he knowledge of the laws on how to get this into the trial record. I was getting buried beneath the states files which pointed elsewhere than me!

I had seen the states witness list and seen that there were two critical witnesses who would have been able to state I was more than likely in Downey at the time this murder occurred. We came to this conclusion because my first daughter was born less than a week after the murder, which would have placed us at taking her to Downey while I worked the week prior to the murder, because of critical medical needs for my wife. She and my son stayed in Downey two weeks before the murder because I had been working out of town with my father. About September 11, 1985.

The job ^{was} completed about September 17, 1985 and I traveled to Downey on September 18, 1985 and stayed there until September 23, 1985. These were reliable witnesses and would have given alibi testimony. I told trial counsel this and the prosecutor did not call them onto the stand, nor had they been seen at the Courthouse. One of them was law enforcement. My ex mother in law Linda Mitchell.

The state presented six non professional witnesses John Sullivan who gave different testimony than his previous statement Bruce Nash who gave different testimony than his previous statements

Bruce Nash stated he now believed Rita Cobb had told him she was headed home after the party. That he did not drive her home after the party, and that he left before she did

John Sullivan stated he now 25 years later remembers better than he did three days after the murder. That he now remembers he was not asleep at 2200 hours the night Rita was killed and that he seen Bruce driving Rita home

The state presented one witness who stated she seen the silver Pinto in the driveway the day Rita had been killed. This was not contradicted by the interrogations transcript they showed the jurors because the prosecutor redacted that portion from the audio recording. Dainne Flagg statement was exactly as her previous 25 years earlier. *SHE SEEN A SILVER PINTO*

The state presented Francesca Sullivan who knew one of the jurors, but stated she remembered Rita to have liked going to bars, drank a lot and was promiscuous.

The son and now wife gave identical statements as they had previously. Only now they, the son admitted to entering the crime scene before it had been processed and against police instruction, allegedly looking for his mother's jewelry.

The state presented two scientific experts. The Pathologist and a criminalist Dr. Sauekl was the pathologist who stated there was no signs of rape, and the DNA match in me was at least one and a half days older than the murder.

CRIMINALIST
The states expert Donald Jones stated that the DNA matching me was the result of a sexual encounter that occurred several days before the murder occurred.

NEITHER OF THESE EXPERTS WERE CONTRADICTED

Two DNA experts stated that the DNA matching me to the crime had been processed according to standards outlined by scientific community and were accurate. Only they presented a version where several of the markers were different than mine, suggesting there was an error, or it did not match me. These went uncontested.

The detective who processed the scene stated there was evidence missing from the time he sketched it to the time he photographed it. That they placed several pieces of evidences into the same bags, that the evidence was cross contaminated. This went uncontested.

The state then presented SBSH Homicide detective to authenticate the interrogation stating it was an accurate copy of the originals, showing the jurors a 113 page version and withholding the 136 page version. This was not accurate according to rules of evidence 1401 or any EC

The same detective stated he had not seen a fingerprint report for this case, and had no knowledge one was created. There is one and it shows my prints were not located.

THIS WITNESS WENT UNCONTESTED

After these testimonies which showed someone had been killed, but "NOTHING" pointed as me being the killer, the prosecutor stated he had to take the interrogation transcript home so he could make some redactions, and create a audio and text version for the jurors to watch and listen to. Telling the Court he had to take this home to create, while the trial was in session.

THIS EVIDENCE WENT UNCONTESTED, AND STIPULATIONS MADE!

I NEVER GAVE STIPULATIONS TO CHANGE MY ANSWERS!

The jurors heard my voice telling the detectives that I had a key to the victims home, months after I had moved away. "I never said that". The original recording and copies of the original prove this. When the Court showed the jurors this he stated this was not evidence, but a way to show them what I stated during the interrogation. Confusing as hell!

The prosecutor placed the altered version as well as the original version into the states records as exhibit 49 and 49A preserving this misconduct forever.

The trial was three weeks long and the jury had deliberated for a week when they came back stating they were helplessly deadlocked.

Oh, by the way my attorney did not provide one piece of evidence, did no opening statements, and his closing statement was about the density of baseballs and bats, although he pointed out that my DNA was as little as one and a half days older than the murder. THE COURT OF APPEAL AGREED, MY DNA IS OLDER THAN CRIME!

The Court gave the jurors an allen instrucxtion for deadlocked juries. telling them he may be able to hold them hg hostage since there ~~wxxx~~ was time for this case and when he did this my trial counsel was noplace to be found. He had heard they were deadlocked and scrambled from the courtroom minutes before the jurors were returned to the courtroom. Another counsel was there in his place. Offereing to make more closing statements, only this duide never seen the trial, any of the evidnece, and had never spoke to me before this day he sat as trial counsel. I was a cooked goose!

The next day the jurors came back three more times deadlowcked but the judge kept returning them back into the room for more deliberations. They came to a verdict at 4;15 p.m. that next day. Guilty first degree murder!

Before sentencing I filed several motions challenging the prosecutor with fraud acts, misconduct as well as ineffective assitance of counsel for my truial counsel, filing them with the Court of appeals.

On sentencing dsay I was given a marsden hearing. II. had not been made aware of this until iwas taken itno tthe court room. I argued for 3/4 hour how the attorney lied, refused investoigations and witheld states file. The hearing was extended to another day. ATTORNEY ADMITTED HE WITHELD 5100 PAGES OF DISCOVERY.

I ~~once~~ again got another hearing where I was prepared and carried proof as well as law books supporting my allegations as authority. I was told by the Court he did not agree with me and chose to listen to my attorney ~~was~~ standing there lying his ass off. At senbtencing a state prosecutor entered the room and restated facts I had brought up and filed with the Court of appeal and suggested they aoppoint post trial counsel to revuiew the case, and make motions for IAC ineffective assitance of counsel.

I was appointed confluiet panelist Hal Smith who took a year to ~~er~~ read the trial transcripts as well as the stated 5400 pages.

Hal smith confirmed my suspicions that I had been set up and he filed a motion for IAC claiming that trial counsel sought to have th DNA examined but when he was notified there would be positive results, trial counsel refused to have anything examined. He prvoed trial counsel fialed to follow rules of Court refusing to serve aprties for a critical motion regarding recusal of prosecutor. he prived trial had written motions in anothe rname for this case when he was attempting to get extension of time to investigate and because the motionwas flawed, tthe court denie extension.

POSITIVE RESULTS IN MY FAVOR!

Hal smith ~~showed~~ ttrial counsel was not only ineffective but acted as incompetant as counsel can get. The motionwas filed and denied by the Corut. Timely appeal was filed while most of the corrupt activity was placed into the states records. The remainder of activities were developed by me through post trial developing features with habeas, lawsuits, and DNA examiantion requests.

I did not find out until the trials transcripts were released that they too had been altered after trial changing from;

Q- Did you see all the evidence to this case before trial ?

A- Yes I did .

Q- Did you see a fingerprint report to this case ?

A- Not that I can recall

Q- So you did not see a fingerprint report for this case ?

A- No, not that I can recall

This was changed to _____ !

Q-Did you see all; the evidence to this case before trial ?

A- Yes, everything up until trial.

Q-Did you see , did anything become available after this trial ?

A-No

Q- Okay, did you see a fingerprint report for this case ?

A- I do not know whether one was created, and if it had whether it had been developed ?

Q- So you know that my clients fingerprints were not located at this scene ?

A- Yes

Q- So you don't know whether the report was developed?

A_ I do not, I cannot remember all the names.

- 9) That the petitioner admitted to having a key to the victims home and the interrogations transcript was used by the jurors to determine guilt.

When that petition was filed I did not have the discovery I have now. The discovery I have now supports all my allegations made back then, and was not released until 2016, five years after the trial.

This was about when I filed a lawsuit on the state, prosecutor, and trial counsel alleging fraud, malpractice, false light, negligence and gross professional negligence. Filing into the federal court. It was then I learned that I could sue in state and federal for the very exact same facts under different law, state and federal. So I amended the complaint to wash all state laws. Then I filed a state action for the exact same facts under state law only. Then served all the parties.

In the lawsuit the parties claimed immunity, admitting to acts of fraud, and all other allegations. Claiming that they cannot be sued until the case has been overturned. I am still fighting this.