

No. 25-6526

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IN THE

SUPREME COURT OF THE UNITED STATES:

JOHNNY RAY WALLS-BEY,

Petitioner,

v.

STATE OF ARIZONA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF ARIZONA, DIVISION ONE**

**PETITION FOR REHEARING
(Pursuant to Supreme Court Rule 44)**

JOHNNY RAY WALLS-BEY

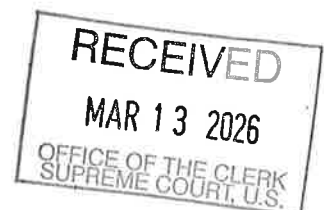
Petitioner, Pro Se

3920 E. Thomas Road Ste 80260

Phoenix, Arizona 85060

(928) 900-6043

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No. 25A-6526

IN THE
Supreme Court of the United States

JOHNNY RAY WALLS-BEY,
Petitioner,

v.

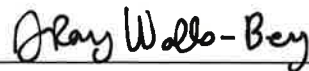
STATE OF ARIZONA,
Respondent.

PETITION FOR REHEARING

CERTIFICATE OF COUNSEL (PRO SE)

I, Johnny Ray Walls-Bey, Petitioner *pro se*, hereby certify that this Petition for Rehearing is presented in good faith and not for delay. This Petition is restricted to the grounds specified in Supreme Court Rule 44.2, namely, **intervening circumstances of a substantial or controlling effect** that have arisen since the denial of certiorari on March 2, 2026, including orders issued by the Arizona Court of Appeals on March 3, 2026, and related developments in state and federal courts.

Pursuant to Rule 44.1, I further certify that this Petition is filed within twenty-five (25) days of the order denying certiorari.



Johnny Ray Walls-Bey

Petitioner, *Pro Se*

3920 E. Thomas Road, Suite 80260

Phoenix, Arizona 85060

Phone: (928) 900-6043

Email: jraywallsbey@wcnationaz.org

Dated: March 4, 2026

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I. INTERVENING CIRCUMSTANCES OF A CONTROLLING EFFECT

This Court denied the Petition for Writ of Certiorari on March 2, 2026. However, **one day later**, on March 3, 2026, the Arizona Court of Appeals issued an order of extraordinary significance that fundamentally alters the constitutional posture of this case. Additional orders issued in January 2026, combined with the commencement of related federal civil rights litigation, constitute "intervening circumstances of a substantial or controlling effect" under Supreme Court Rule 44.2.

A. The March 3, 2026, Order: State Confession of Error

On **March 3, 2026**, Judge Pro Tempore Denise McGimsey of the Arizona Court of Appeals, Division One, issued an order deferring ruling on Petitioner's **Motion to Apply Confession of Error Analysis** to the three-judge panel assigned to review the merits of the Petition for Review. (See Appendix A, attached).

The Significance of This Order:

1. **Recognition of a "Debatable Issue"**: By declining to summarily dismiss the Motion and instead deferring it to a full appellate panel, the Court has implicitly recognized that Petitioner has raised **substantial, debatable issues** regarding Grand Jury perjury, fabricated evidence, and systemic fraud perpetrated by state actors.
2. **The State's Silence as Confession**: Under Arizona law, specifically *State ex rel. McDougall v. Superior Court*, 174 Ariz. 450, 452 (App. 1993), the failure of the State to file a substantive response to allegations of constitutional violations in a Petition for Review "**may cause the court to apply a confession of error analysis.**"

Here, the State of Arizona—represented by Assistant Attorney General Philip Casey Grove—filed only a "**Notice of Acknowledgment**" on February 12, 2026, explicitly waiving its right to respond to the substantive allegations of fraud on the court and Grand Jury perjury. This tactical silence, combined with the March 3rd deferral order, constitutes a **tacit admission** that the State cannot defend the conviction on the merits.

3. **The "Trap" Has Closed:** Petitioner argued in the Motion that the State's silence created a legal trap: by failing to contest allegations that FBI Task Force Officer **Michael Lum** committed perjury before the Grand Jury, and that Maricopa County Adult Probation Officers **Joshua Ibanez-Jimenez** and **Dusan Despot** filed fraudulent Petitions for Revocation of Probation, the State has effectively conceded these facts as true. Under *McDougall* and *Shattuck*, 140 Ariz. 582 (1984), the appellate court must now treat these uncontested allegations as **confessed errors** requiring reversal.

This Constitutes an Intervening Circumstance:

The March 3, 2026, Order was issued **after** this Court's denial of certiorari. It represents a fundamental shift in the state court proceedings: what was previously characterized by procedural evasion has now crystallized into a formal acknowledgment by the Arizona judiciary that the State's silence on allegations of fraud constitutes a potential **confession of error**.

The state court is now grappling with the legal consequences of the State's admitted inability to defend the conviction. This intervening development compels this Court to reconsider its denial, as it demonstrates that:

- a. The State of Arizona has **tacitly confessed** to the constitutional violations alleged by Petitioner;
- b. The state judiciary has recognized these allegations as sufficiently "debatable" to warrant full panel review; and
- c. The conviction at issue is now subject to potential vacatur by the state appellate court based on the State's own silence.

This Court should grant rehearing to ensure that a conviction procured through a fraud that the State has now effectively confessed cannot stand.

B. The Finality of State Court Obstruction (January 2026 Orders)

At the time Petitioner filed the original Petition for Writ of Certiorari on September 30, 2025, the State courts were engaged in a pattern of procedural obstruction designed to prevent meaningful review of the constitutional violations. Since that filing, the following dispositive orders have issued:

1. **Arizona Court of Appeals, Division One (January 6, 2026):** In Case No. 1 CA-CR 22-0757 PRPC (Maricopa County Superior Court No. CR2022-001155), the Court of Appeals declined jurisdiction over Petitioner's contingent case, effectively ratifying the lower court's refusal to provide notice of orders and denying Petitioner any avenue for relief in that parallel proceeding.
2. **Arizona Supreme Court (January 9, 2026):** In Case No. CR-24-0474-PR, the Supreme Court summarily denied Petitioner's Petition for Review by re-characterizing it as a procedurally defective "motion for reconsideration," despite the fact that it raised substantial constitutional claims regarding *Napue v. Illinois*, 360 U.S. 264 (1959), violations and fraud on the court.

These orders, issued while the Petition was pending before this Court, constitute definitive proof of "futility" and "exhaustion" that may not have been fully apparent from the initial record. They demonstrate that the Arizona state judiciary has systematically abdicated its role as a corrective mechanism for the Due Process violations raised by Petitioner. The state courts have erected insurmountable procedural barriers to prevent any substantive review of the underlying fraud.

C. The Commencement of Related Federal Civil Rights Litigation

Since the filing of the original Petition, Petitioner has initiated federal civil rights actions in the United States District Court for the District of Arizona:

1. **Walls-Bey v. Driggs, et al.**, No. 2:26-cv-00184-DWL
2. **Walls-Bey v. Lum, et al.**, No. 2:26-cv-00045-DWL

These actions name as defendants the specific state actors whose misconduct forms the basis of the conviction challenged in this Petition:

1. **FBI Task Force Officer Michael Lum** (perjury before the Grand Jury);
2. **Maricopa County Deputy County Attorney Paul Hubalik** (use of false testimony and suppression of exculpatory evidence);
3. **Maricopa County Deputy County Attorney Shawn Steinberg** (prosecutorial misconduct);
4. **Maricopa County Adult Probation Officers Joshua Ibanez-Jimenez and Dusan Despot** (filing fraudulent Petitions for Revocation of Probation).

The existence of these active federal civil rights lawsuits creates a substantial federal question that this Court cannot ignore:

Can a state criminal conviction stand when the very agents who secured that conviction are defendants in federal court for fabricating the evidence used to obtain it?

The federal district court proceedings will necessarily address whether Officers Lum, Hubalik, Steinberg, Ibanez-Jimenez, and Despot violated Petitioner's constitutional rights through perjury, fabrication of evidence, and fraud on the court. If the federal court finds in Petitioner's favor, the state conviction will be rendered a nullity—yet it will remain on Petitioner's record unless this Court acts.

This intervening circumstance underscores the urgency of federal intervention to prevent the perpetuation of a conviction that is the direct product of fraud.

D. The *Melendres* Nexus: Systemic Corruption Under Federal Oversight

On March 4, 2026, Petitioner filed a **Motion for Leave to File Amicus Curiae Brief** in ***Melendres v. Penzone***, No. CV-07-2513-PHX-GMS (D. Ariz.), a case in which the Maricopa County Sheriff's Office has been under federal court oversight since 2011 for systemic constitutional violations.

Petitioner's proposed *amicus* brief presents evidence that:

1. **The Maricopa County Attorney's Office (MCAO)** is actively shielding FBI Task Force Officer Michael Lum from accountability for perjury committed in Petitioner's case and in other cases under the *Melendres* consent decree;
2. **MCAO's obstruction** extends to preventing federal monitors from discovering that Officer Lum's false testimony has been used to secure convictions in multiple cases involving civil rights violations; and
3. **The systemic corruption** documented in *Melendres*—including racial profiling, fabrication of evidence, and retaliation against individuals who assert their rights—is directly relevant to the constitutional violations in Petitioner's case.

The *Melendres* filing is not a separate issue; it is evidence that the fraud perpetrated against Petitioner is part of a broader pattern of misconduct by the same state actors and agencies now under federal oversight.

The State's **waiver of response** in this Court (filed February 9, 2026) is a tactical maneuver designed to avoid confronting this systemic nexus. By remaining silent, the State hoped to avoid having to address the fact that the Maricopa County Attorney's Office is simultaneously defending a conviction procured by fraud while obstructing federal oversight in *Melendres*.

This intervening circumstance demonstrates that the denial of certiorari was based on an incomplete picture of the state judiciary's complicity in systemic corruption.

II. POINTS OVERLOOKED OR MISAPPREHENDED BY THE COURT

Petitioner respectfully submits that this Court's denial of certiorari may have been based on an incomplete understanding of the following critical facts and legal issues:

A. The Grand Jury Was Never Presented with Exculpatory Evidence

Fact Overlooked:

Under Arizona law, prosecutors have an affirmative duty to present exculpatory evidence to the Grand Jury. See Ariz. R. Crim. P. 12.9(a) ("The prosecutor must inform the grand jury of any evidence known to the prosecutor that might reasonably lead the grand jury not to indict.").

In Petitioner's case:

1. **The Grand Jury was not informed** that Mesa **Police Department report** on January 9, 2019, stating that Petitioner **did not** commit the acts alleged in the indictment.
2. **The Grand Jury was not informed** that FBI Task Force Officer Michael Lum had **no personal knowledge** of the events he testified to, as established by his own deposition testimony on July 1, 2021.
3. **The Grand Jury was not informed** that Deputy County Attorney Shawn L. Steinberg had been specifically notified of this exculpatory evidence by defense counsel but chose to suppress it.

Legal Significance:

Under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *United States v. Bagley*, 473 U.S. 667 (1985), the suppression of exculpatory evidence that is material to guilt or punishment violates Due Process.

More critically, under *Napue v. Illinois*, 360 U.S. 264 (1959), **a conviction obtained through the use of false testimony is fundamentally unfair and must be set aside if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury**—or, in this case, the Grand Jury.

Why Rehearing Is Necessary:

The State's silence in response to these allegations—now recognized by the Arizona Court of Appeals as a potential "confession of error"—means that **the State has effectively admitted that the Grand Jury was misled by false testimony and denied access to**

exculpatory evidence. This Court should grant rehearing to address whether a conviction procured through such fundamental Due Process violations can stand.

B. Fraudulent Revocation Petitions Filed by Probation Officers

Fact Overlooked:

The record before the State Courts—and subsequently before this Court—contained uncontested evidence that Maricopa County Adult Probation Officer **Joshua Ibanez-Jimenez** and APO/SO **Dusan Despot** filed **Petitions for Revocation of Probation** that were factually fraudulent. These officers manufactured grounds for revocation where none existed, submitting these documents to the Superior Court in violation of **Arizona Rule of Criminal Procedure 27.8** and the Due Process Clause.

Legal Significance:

The filing of a fraudulent charging document by a sworn officer of the court is a structural defect that vitiates the jurisdiction of the lower court. *See Arizona v. Fulminante*, 499 U.S. 279 (1991) (structural errors affecting the framework of the trial require automatic reversal).

Why Rehearing Is Necessary:

The March 3, 2026, Order from the Arizona Court of Appeals deferring the "Confession of Error" analysis to the full panel confirms that **the State has failed to contest these specific allegations of fraud.** The State's silence is an admission that Officers Ibanez-Jimenez and Despot fabricated the basis for the revocation proceedings. This Court cannot allow a denial of certiorari to stand when the State judiciary is actively grappling with the reality that its own probation officers committed fraud on the court.

C. Judge Mitchell's Unlawful Addition of Probation Conditions

Fact Overlooked:

The record establishes that Judge **Rodney I. Mitchell** unilaterally added conditions to Petitioner's probation without providing notice, a hearing, or an opportunity to be heard, in direct violation of **Arizona Rule of Criminal Procedure 27** and the Fourteenth Amendment.

Legal Significance:

A modification of probation terms without due process is void *ab initio*. It constitutes a fundamental deprivation of liberty without the requisite procedural safeguards.

Why Rehearing Is Necessary:

The State's Waiver of Response constitutes a confession that Judge Mitchell acted without jurisdiction. The Arizona Court of Appeals' March 3rd Order indicates that this "debatable issue" is now ripe for dispositive review. A denial of certiorari by this Court would prematurely terminate federal oversight of a clear Due Process violation that the State has essentially admitted.

III. ARGUMENT FOR REHEARING

The Denial of Certiorari Is Now Constitutionally Untenable Due to the March 3, 2026 Order.

Rehearing is mandated under **Rule 44.2** because the Arizona Court of Appeals' Order of March 3, 2026, constitutes a "substantial and controlling" intervening circumstance.

1. The "Confession of Error" Changes the Posture of the Case.

When this Court denied certiorari on March 2, 2026, it likely did so on the presumption that the State court proceedings were regular and that the State disputed Petitioner's claims. **That presumption was shattered on March 3, 2026.**

The Arizona Court of Appeals has now formally recognized that the State's failure to respond to Petitioner's allegations of perjury and fraud may constitute a **Confession of Error** under *State ex rel. McDougall v. Superior Court*.

This means the State of Arizona is no longer an adverse party defending a conviction; it is a silent party that has functionally admitted to the fraud.

2. The Conviction is Void *Ab Initio* under *Mooney v. Holohan*.

In *Mooney v. Holohan*, 294 U.S. 103 (1935), this Court held that a conviction procured by the presentation of testimony known to be perjured is inconsistent with the rudimentary demands of justice.

Here, the "intervening circumstance" is that the State has **waived its defense** against the specific allegation that FBI Task Force Officer Michael Lum committed perjury and that Probation Officers Ibanez-Jimenez and Despot filed fraudulent petitions.

If the State admits the fraud by silence (as recognized by the March 3 Order), then the conviction is void. A denial of certiorari in the face of a confessed fraud would be a miscarriage of justice.

3. Federal Intervention is Required to Break the Cycle.

The State Court's deferral to a panel is a positive step, but it guarantees nothing. The Arizona judiciary has a documented history in this case of delaying rulings until federal deadlines pass. Granting rehearing and the Writ of Certiorari is the only way to ensure that the "Confession of Error" results in the constitutionally required remedy: **immediate exoneration**.

CONCLUSION

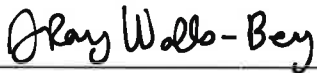
The March 3, 2026, Order by the Arizona Court of Appeals is a "smoking gun." It proves that the State of Arizona cannot and will not defend the legality of this conviction on the merits.

The State's silence is a confession of the fraud perpetrated by Agent Lum, Prosecutor Garrow, and Officers Ibanez-Jimenez and Despot.

To allow the denial of certiorari to stand in light of this intervening order would be to sanction a conviction that the State itself has ceased to defend.

For the foregoing reasons, Petitioner respectfully requests that this Court grant rehearing, vacate the order denying certiorari, and grant the petition.

Respectfully submitted,



Johnny Ray Walls-Bey

Petitioner, Pro Se

3920 E. Thomas Road, Suite 80260

Phoenix, Arizona 85060

(928) 900-6043

Dated: March 4, 2026

CERTIFICATE OF COUNSEL

I, **Johnny Ray Walls-Bey**, Petitioner appearing *pro se* in the above-captioned matter, hereby certify pursuant to **Rule 44 of the Rules of the Supreme Court of the United States** that this **Petition for Rehearing** is presented in good faith and not for purposes of delay.

I further certify that this Petition is restricted to the grounds specified in **Rule 44.2**, namely:

1. **Intervening circumstances of a substantial or controlling effect**, specifically:
 - a. The **March 3, 2026 Order** issued by the Arizona Court of Appeals, Division One, in Case No. 1 CA-CR 25-0556 PRPC, which recognizes the State of Arizona's failure to respond to allegations of Grand Jury perjury and fraud on the court as a potential **Confession of Error** under *State ex rel. McDougall v. Superior Court*, 193 Ariz. 157, 971 P.2d 70 (Ariz. Ct. App. 1998), and defers substantive analysis to a full appellate panel; and
 - b. The subsequent **January 2026 dispositive orders** from the Arizona Court of Appeals and Arizona Supreme Court confirming systemic refusal to address underlying constitutional violations.


2. **Substantial grounds not previously presented**, specifically:
- a. Documentary evidence of **fraudulent Petitions for Revocation of Probation** filed by Maricopa County Adult Probation Officer **Joshua Ibanez-Jimenez** and APO/SO **Dusan Despot**, which constitute fraud on the court and structural error requiring automatic reversal; and
 - b. The commencement of related **federal civil rights litigation** (Case Nos. 2:26-cv-00184 and 2:26-cv-00045, D. Ariz.) against the specific state actors whose perjury and misconduct form the basis of the conviction challenged in this Petition.

I certify that the grounds presented herein were not available at the time of the original Petition for Writ of Certiorari filed on September 30, 2025, and that the **March 3, 2026, Order** constitutes an intervening circumstance of controlling effect that fundamentally alters the constitutional landscape of this case.

I certify that this Petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation, but rather to ensure that this Court has the opportunity to consider substantial new evidence demonstrating that the State of Arizona has functionally admitted the fraud underlying Petitioner's conviction by its silence and procedural default.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 4th **day of March, 2026**, at Phoenix, Arizona.



Johnny Ray Walls-Bey

Petitioner, Pro Se

3920 E. Thomas Road, Suite 80260

Phoenix, Arizona 85060

Telephone: (928) 900-6043

CERTIFICATE OF SERVICE

I, **Johnny Ray Walls-Bey**, Petitioner *pro se*, hereby certify that on this **4 day of March, 2026**, a copy of the foregoing **Petition for Rehearing** was served on the following parties as required by Supreme Court Rule 29:

1. OFFICE OF THE SOLICITOR GENERAL

Supreme Court of the United States
Room 5614, Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001
(Via U.S. Mail)

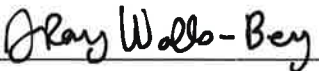
2. KRISTIN K. MAYES

Attorney General of Arizona
JASON DALE LEWIS (Counsel of Record)
Solicitor General's Office
2005 N. Central Avenue
Phoenix, AZ 85004
(Via U.S. Mail and Email: jason.lewis@azag.gov)

3. PHILIP D. GARROW

Criminal Appeals Bureau Chief
Maricopa County Attorney's Office
225 W. Madison Street, 3rd Floor
Phoenix, AZ 85003
(Via U.S. Mail)

I further certify that all parties required to be served have been served.



Johnny Ray Walls-Bey

Petitioner, Pro Se
3920 E. Thomas Road, Suite 80260
Phoenix, Arizona 85060
Telephone: (928) 900-6043

APPENDIX

Appendix A

1. **Arizona Court of Appeals (Jan 6, 2026):** Declined jurisdiction over the contingent case (CR2022-001155), ratifying the lower court's refusal to provide notice of orders.

2. **Arizona Supreme Court (Jan 9, 2026):** Summarily denied review by re-characterizing a substantive petition as a motion for reconsideration.

3. Order of the **Arizona Court of Appeals, Division One**

State v. Walls-Bey, Case No. 1 CA-CR 25-0556 PRPC

Dated: March 3, 2026

(Deferring Confession of Error Analysis to the Panel)

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,)
) Arizona Supreme Court
) No. CR-24-0291-PR
 Respondent,)
) Court of Appeals
 v.) Division One
) No. 1 CA-CR 23-0556 PRPC
 JOHNNY RAY WALLS-BEY,)
) Maricopa County
) Superior Court
 Petitioner.) No. CR2020-001909-001
)
) **FILED 01/12/2026**

O R D E R

On November 7, 2024, the Court of Appeals issued its Memorandum Decision granting review and denying relief. On July 1, 2025, this Court denied review.

Petitioner Walls-Bey, pro se, filed another Petition for Review on January 5, 2026, again asking this Court to review the November 7, 2024 Court of Appeals decision. The Court will treat the pending Petition for Review as a Motion for Reconsideration of this Court's July 1, 2025 order denying review.

IT IS ORDERED denying the Motion for Reconsideration.

DATED this 9th day of January, 2026.

/s/
JOHN R. LOPEZ IV
Duty Justice

TO:

Alice Jones

Philip D Garrow

Johnny Ray Walls-Bey



DIVISION ONE
FILED: 03/03/2026
MATTHEW J. MARTIN,
CLERK
BY: MVW

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,)
) Court of Appeals
) Division One
 Respondent,) No. 1 CA-CR 25-0556 PRPC
)
 v.) Maricopa County
) Superior Court
 JOHNNY RAY WALLS-BEY,) No. CR2020-001909-001
)
)
 Petitioner.)
)
)

ORDER DEFERRING RULING ON MOTION FILED FEBRUARY 19, 2026

The court has considered petitioner's Motion to Apply Confession of Error Analysis to the Merits of the Petition filed on February 19, 2026.

IT IS ORDERED deferring a ruling on the motion to the panel that considers petitioner's petition for review on the merits.

IT IS FURTHER ORDERED directing the clerk of this court to reference this order in the electronic case management system.

_____/s/_____
Denise McGimsey, Judge Pro Tempore

A copy of the foregoing was sent to:

Philip Casey Grove
Johnny Ray Walls-Bey