

4/13/26

26-312

No. 25-3625

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE M. WALKER,
Petitioner,

v.

COLUMBUS DIVISION OF POLICE,
FRANKLIN COUNTY PROSECUTOR'S OFFICE,
FRANKLIN COUNTY CORONER'S OFFICE, CITY
OF COLUMBUS, ROBBY WARNICK, ROBERT
WACHALEC, TERRY MCCONNELL, MICHELLE
HENRY, AND JANET A. GRUBB, *et al*,
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

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Petitioner, pro se

QUESTIONS PRESENTED

1. Whether a state actor's deliberate cover-up of a murder violates the victim's family's rights under the Due Process Clause of the Fourteenth Amendment, notwithstanding the general rule that there is no constitutional right to the prosecution of another.
2. Whether the accrual of a § 1983 claim alleging a police cover-up of murder begins only upon the discovery of concealed evidence, where ongoing misconduct spans years and new revelations in 2024 triggered awareness of the full injury.

LIST OF PARTIES

Petitioner: Willie M. Walker

Respondents: Columbus Division of Police;
Franklin County Prosecutor's Office; Franklin County
Coroner's Office; City of Columbus; Robby Warnick;
Robert Wachalec; Terry McConnell; Michelle Henry;
Janet A. Grubb; Detective Gary Cooper; Detective
Raymond Guman; Sergeant Strayer; Retired
Lieutenant Smith; Sergeant Roy Lisath; Commander
Michael Gray; Chief Deputy Becker; Chief Kim
Jacobs; Chief Quinlan; Interim Chief Michael Woods;
Commander Dinner; Deputy Chief of Staff for Mayor
Ginther Office, Kate Pishotti; Public Safety Director

Robert Clark; Assistant Chief Lashanna Potts;
Assistant Chief Bodker; Deputy Chief Weir; Chief of
Police Elaine Bryant; Mayor Andrew Ginther.

RELATED CASES

1. *Walker v. Columbus Division of Police, et al.*, No. 2:25-cv-00162 (S.D. Ohio). Judgment entered June 24, 2025.

2. *Walker v. Columbus Division of Police, et al.*, No. 25-3625 (6th Cir.). Order entered February 24, 2026; petition for rehearing denied March 10, 2026.

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OPINIONS BELOW

The opinion of the United States Court of Appeals for the Sixth Circuit entered on February 24, 2026 is unpublished and reproduced at Appendix A. The court's denial of the petition for rehearing is reproduced at Appendix B. The opinion of the United States District Court for the Southern District of Ohio is unpublished and reproduced at Appendix C.

JURISDICTION

The Sixth Circuit entered judgment on February 24, 2026, and denied rehearing on March 10, 2026. This petition is filed within 90 days of the denial of rehearing. This Court has jurisdiction under 28

U.S.C. § 1254(1).

**CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED**

U.S. Const. amend. XIV, § 1: "No State shall . .
. deprive any person of life, liberty, or property,
without due process of law; nor deny to any person
within its jurisdiction the equal protection of the
laws."

42 U.S.C. § 1983: "Every person who, under
color of any statute, ordinance, regulation, custom, or
usage, of any State . . . subjects, or causes to be
subjected, any citizen of the United States . . . to the
deprivation of any rights, privileges, or immunities

secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress..."

STATEMENT OF THE CASE

This case arises from the brutal murder of Petitioner's son, VonMason S. Walker, on October 16, 2015, and the subsequent cover-up by Respondents, including the Columbus Division of Police (CPD), which intentionally misclassified the homicide as an "accidental shooting" to conceal the crime and deny justice to Petitioner and his family.

Far from a mere "bad investigation," as dismissed by the lower courts, this was a deliberate,

egregious pattern of deceit and evidence tampering documented in court filings and forensic reports. The Supreme Court must understand upfront that Petitioner has uncovered seven unequivocal pieces of forensic evidence demonstrating CPD's intentional cover-up:

1. CPD manipulated blood forensic evidence on the handgun at the crime scene by wiping off authentic blood droppings and adding manufactured blood spatter to make it appear VonMason shot himself. Forensic analysis, including the Wilgus Forensics report, confirms the blood

patterns are inconsistent with suicide and indicate staging.

2. CPD lied about VonMason's body position, claiming he fell backward once with legs stretched out, arms extended, and fingers crossed over his body as seen in crime scene photos. However, the body's positioning and blood flow patterns show he was moved post-shooting, contradicting CPD's suicide narrative.

3. CPD falsely claimed the only forensic evidence of VonMason's hand on the gun was "high-velocity blowback" on his right hand. Forensic review reveals it was not blowback but blood dripping

downward from the head wound, inconsistent with self-inflicted injury.

4. CPD Detective Warnick deceitfully discarded critical forensic evidence from the crime scene, including adhesive lifts and the gunshot residue (GSR) kit, preventing independent verification and concealing evidence of foul play.

5. CPD Detective Wachalec intentionally destroyed VonMason's cellphone, which contained an incriminating threatening text message from a key suspect present in the kitchen on the night of the murder.

6. In a deceitful act, Detective Warnick interviewed a witness who stated VonMason entered the kitchen, a gunshot went off, and "they shot that man." Warnick then filed a fraudulent report claiming the witness "didn't know what happened," directly covering up the homicide.

7. CPD lied about the gun's imprint wound matching VonMason holding the firearm. Detective Warnick claimed it matched a right-handed grip, but the wound's clockwise angle is incompatible with a self-inflicted shot by a right-handed person; it would be counterclockwise if self-inflicted.

8. CPD falsely claimed to Petitioner that the bullet slug was lost and they could not find it. On July 9, 2017, Petitioner located and recovered the bullet slug from the house next door to the crime scene and documented the discovery in a video recording (photograph included at the bottom of Docket 16). When Petitioner turned the slug over to CPD, they asserted that the slug did not match 9mm ammunition. This strongly indicates that VonMason was shot with a different handgun, the real murder weapon, which was removed from the house. This explains why the gun imprint mark does not match the firearm collected by CPD and why there is a

second bullet hole in the bathroom wall off the kitchen.

9. What caused VonMason's hands to separate: CPD took a blanket from the "family room" that was on the floor, and placed it inside the playpen, so the (Dog) can lay on it, that caused VonMason's hands to, "separate and pushed his hat further under the playpen. CPD Det. Wachalec said to Petitioner, that he cannot "control," what other Officers does at a crime scene.

10. CPD Det. Wachalec refused to recognize the Muzzle blast injuries to VonMason's hand and no

blood on his fingertips. Analyzed by Athena Research
& Consulting.

11. CPD Det. Warnick and Det. Wachalec
Intentionally ignore the six-points blood spatter and
droppings at the VonMason crime scene:

- i. The blood droppings in front of the fridge
on the kitchen floor.
- ii. A small bloodstream on front fridge
bottom panel.
- iii. Multiple blood stream on side of fridge to
VonMason's left side of his body.

- iv. Blood spatter and droppings behind VonMason's head on the wall and baseboard.
- v. Blood stains pattern in a downward motion on the playpen mesh to VonMason's right side. Falling backwards was a lie.
- vi. The blood dropping stains inside the playpen mattress on top.
- vii. The Crime Scene photograph 380a - 388a, 392a, 394a, 398a, 400a, 401a and 412a. Blood back spatter forensic evidence backfires spatter Stains on the

CPD detective glove, between the thumb and the point finger, who's holding the handgun at the Crime Scene. Planting, self-manufactured false blood evidence onto the back end of the handgun.

12. CPD Det. Wachalec said to Petitioner, when VonMason went backwards, his hands had nowhere to go. Also, in that tight area that caused VonMason's T- Shirt to raise up, middle part of his chest in a tilted manner.

13. CPD lied to Petitioner about what Demetrius Billups did, to wit, ravishing through VonMason's pockets, and VonMason is missing his

money, his CCW license and his Commercial driver license.

14. CPD Det. Wachalec lied to Petitioner, wanting him to contact the Polygraph examiner to let him know that Det. Wachalec was going to contact him about the results and he never did. When Petitioner called Det. Wachalec, he said, he wanted to Polygraph the guys himself. It never happened.

15. CPD lied to Petitioner at the crime scene stating that VonMason was dancing in a kitchen with a gun in his hand and that he accidentally slipped or tripped over a toy truck and shot himself in the head. (Appendix, p. 379a, 386a, 388a, 408a).

16. The one thing that kept Petitioner in pursuit for justice is that CPD knows VonMason was murdered and CPD know the conspiracy perpetrators are lying about what transpired in that house, to VonMason. (Appendix, p. 57a, 62a-79a).

These acts form a habitual pattern of lies and deceit by CPD, ignoring evidence and doing nothing throughout the case, as Petitioner diligently pursued justice for over a decade.

I. Factual Background

On October 16, 2015, first responders found VonMason dead from a gunshot wound at 321 Johnson Street, Columbus, Ohio. CPD homicide

detectives initially ruled it a suicide, echoed by the Franklin County Coroner. Convinced of murder, Petitioner hired private investigators who, in 2016-2017, uncovered evidence that three men murdered VonMason over a debt and staged the scene. Reports detailed witness accounts, including threats, and were provided to CPD along with VonMason's cellphone containing a suspect's threatening text.

The coroner amended the death to "undetermined" and later "homicide" based on this evidence. Yet CPD reclassified it as "accidental," deleted the cellphone text, mistreated witnesses, and refused to prosecute. Petitioner continued uncovering

misconduct: in March 2024, CPD Chief Elaine Bryant denied an emergency meeting, confirming ongoing denial; in July 2024, Coroner Dr. Nathaniel Overmire revealed VonMason's body was washed pre-autopsy, altering evidence; in December 2024, a BCI report showed blood inside a playpen mattress, further evidencing foul play and cover-up.

II. Procedural History

In February 2025, Petitioner filed a *pro se* 42 U. S. C. § 1983 complaint in the Southern District of Ohio, alleging violations of due process, equal protection, and freedom from unreasonable searches/seizures due to the cover-up, plus state

claims for wrongful death, emotional distress, and negligence.

The district court dismissed under Fed. R. Civ. P. 12(b)(6), holding certain defendants non-sui juris, prosecutorial immunity for Janet Grubb, untimeliness under statutes of limitations (accrual in 2016), and no constitutional claim because there is no right to prosecution of others. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Laborers' Loc. 265 Pension Fund v. iShares Tr.*, 769 F.3d 399, 403 (6th Cir. 2014); *Hester v. Chester County*, 162 F.4th 780, 784 (6th Cir. 2025). Leave to amend was denied as futile.

On appeal, the Sixth Circuit affirmed dismissal of federal claims with prejudice, citing *Town of Castle Rock v. Gonzales*, 545 U.S. 748, 768 (2005), and *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 195 (1989), for no protected interest in prosecution. It vacated dismissal of state claims with prejudice, remanding for dismissal without prejudice. See *U.S. Nat'l Bank of Or. v. Indep. Ins. Agents of Am., Inc.*, 508 U.S. 439, 447 (1993). Petitioner's rehearing petition, arguing 2024 accrual, discovery rule, fraudulent concealment, continuing violations, qualified immunity for Grubb, and leave to amend, was denied.

REASONS FOR GRANTING THE WRIT

This Court should grant certiorari because the case presents important federal questions on the scope of due process protections against state-orchestrated cover-ups of murder and the application of accrual/tolling doctrines in 42 U. S. C. § 1983 claims involving concealed misconduct. The Sixth Circuit's decision conflicts with circuit precedents recognizing exceptions to the no-right-to-prosecution rule in cases of egregious state interference and misapplies accrual rules, warranting review to ensure uniform protection of constitutional rights.

**I. The Decision Below Conflicts with This
Court's Precedents and Creates a Split on
Whether a Deliberate Police Cover-Up of
Murder Violates Due Process.**

The Sixth Circuit held Petitioner stated no constitutional claim because there is no protected interest in prosecuting another, relying on *Gonzales* and *DeShaney*. But those cases involved failures to act or enforce, not active cover-ups with evidence tampering. Here, CPD's deliberate manipulation, wiping blood, destroying evidence, falsifying reports, and reclassifying homicide as accidental, denied Petitioner meaningful access to justice, and violated

due process by creating a state-imposed barrier to remedies.

Some circuits recognize due process violations where state actors actively conceal or fabricate evidence in criminal investigations, even absent a right to prosecution. Courts in the Ninth Circuit have held that the use of deliberately fabricated evidence can give rise to a substantive due process claim. See *Costanich v. Dep't. of Soc. & Health Servs.*, 627 F.3d 1101, 1111 (9th Cir. 2010) (holding that the deliberate fabrication of evidence for use in a court proceeding gives rise to a substantive due process claim)); see also *Mora-Contreras v. Peters*, 851 F. App'x. 73, 73 (9th Cir.

2021) (holding that prison inmates "allege[d] facts that could support a fabrication of evidence claim").

Additionally, the Eighth Circuit has found that the fabrication of evidence may be "conscience-shocking" so as to rise to the level of a Fourteenth Amendment violation. *See Winslow v. Smith*, 696 F.3d 716, 732 (8th Cir. 2012) (recognizing a claim that officers "manufactured false evidence" as falling under the Fourteenth Amendment); *Livers v. Schenk*, 700 F.3d 340 (8th Cir. 2012).

Granting certiorari would resolve whether active cover-ups, as detailed in the seven forensic

points above, create a substantive due process claim, protecting families from state-sanctioned injustice.

Moreover, the cover-up denied equal protection by treating VonMason's case differently due to arbitrary or discriminatory motives, raising an important question on class-of-one claims in investigations.

II. The Lower Courts Misapplied Accrual and Tolling Doctrines, Warranting Review to Clarify When Claims Arise in Concealed Misconduct Cases.

The courts held claims accrued in 2016, but overlooked 2024 discoveries (Bryant's refusal, body

washing revelation, BCI blood evidence) as the point
Petitioner "knew or had reason to know" of the injury.
Johnson v. Memphis Light Gas & Water Div., 777 F.3d
838, 843 (6th Cir. 2015); *Sevier v. Turner*, 742 F.2d
262, 273 (6th Cir. 1984). This conflicts with federal
discovery rules and Ohio's fraudulent concealment
statute (via 42 U.S.C. § 1988), tolling until discovery
despite diligence. Ohio Rev. Code § 2305.09.

Equitable tolling applies due to extraordinary
circumstances: Petitioner's diligence (providing
evidence multiple times) faced powerful state
concealment. The continuing violation doctrine also
resets the clock with serial acts from 2015-2024.

Reguli v. Russ, 109 F.4th 874, 883 (6th Cir. 2024);
Garrett v. Ohio State Univ., 2021 WL 3490007 (S.D.
Ohio 2021).

Certiorari is needed to clarify these doctrines nationally, preventing premature dismissals in cover-up cases.

III. Additional Errors Warrant Review, Including Immunity and Amendment Denial.

Janet Grubb's actions were investigative (evaluating concealed evidence out-of-court), entitling her to qualified, not absolute, immunity. *Imbler v. Pachtman*, 424 U.S. 409, 430 (1976); *Manetta v.*

Macomb Cty. Enft Team, 141 F.3d 270, 274 (6th Cir. 1998). Denying amendment to name proper entities was abuse, as pro se pleadings merit liberal construction and amendment is freely granted. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); Fed. R. Civ. P. 15(a)(2).

This case's profound injustice, a family's quest against a documented cover-up, presents compelling reasons for review.

CONCLUSION & PRAYER FOR RELIEF

The petition for a writ of certiorari should be granted.

Dated: August 31st, 2026

Respectfully submitted,

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