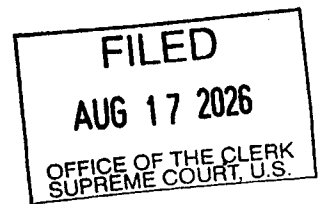


26-5471  
No. \_\_\_\_\_



**IN THE SUPREME COURT OF THE UNITED STATES**

**IN RE JOHNNY RAY WALLS-BEY,**  
*Petitioner,*

v.

**STATE OF ARIZONA; MARICOPA COUNTY  
ATTORNEY'S OFFICE; ARIZONA ATTORNEY  
GENERAL'S OFFICE; MARICOPA COUNTY  
ADULT PROBATION; HON ADAM D. DRIGGS;  
HON DENISE MCGIMSEY; HON CHIEF JUDGE  
RANDALL M. HOWE,**  
*Respondents.*

\_\_\_\_\_ /

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

**PETITION FOR A WRIT OF PROHIBITION**

**JOHNNY RAY WALLS-BEY**

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## QUESTIONS PRESENTED

1. Does a state appellate court violate the Due Process Clause and the Supremacy Clause when it weaponizes an unpublished administrative order to convert a mandatory civil rights appeal (protecting First Amendment petitioning) into a discretionary criminal proceeding to shield proven police perjury and *Brady* violations from federal review?
2. Must an Extraordinary Writ of Prohibition issue under 28 U.S.C. § 1651 to halt ongoing state probation revocation proceedings where the state courts, acting wholly absent subject-matter jurisdiction, have weaponized an unappealable administrative docket (1 CA-CR 26-0250 PRPC) to shield rogue officials who are prosecuting a Tribal Citizen in bad-faith retaliation—in direct violation of the *Dombrowski* doctrine—for exercising his First Amendment right to expose how the State deliberately suborned perjury and withheld *Brady* evidence to bypass mandatory federal Indian Child Welfare Act (ICWA) jurisdiction?

## **LIST OF PARTIES TO THE PROCEEDING**

### **Petitioner:**

Johnny Ray Walls-Bey, an enrolled Tribal Citizen of the Mississippi Band of Choctaw Indians.

### **Respondents:**

1. State of Arizona
2. Maricopa County Attorney's Office
3. Arizona Attorney General's Office
4. Maricopa County Adult Probation
5. Honorable Adam D. Driggs (Judge, Maricopa County Superior Court)
6. Honorable Denise McGimsey (Judge Pro Tempore, Arizona Court of Appeals)
7. Honorable Chief Judge Randall M. Howe (Arizona Court of Appeals)

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### Cases:

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*Giglio v. United States*, 405 U.S. 150 (1972)

*Mooney v. Holohan*, 294 U.S. 103 (1935)

*Napue v. Illinois*, 360 U.S. 264 (1959)

*Santovincenzo v. Egan*, 284 U.S. 30 (1931)

*United States v. Crusco*, 536 F.2d 21 (3d Cir. 1976)

*United States v. Hoffman*, 71 U.S. 158 (1866)

*United States v. John*, 437 U.S. 634 (1978)

**Statutes and Rules:**

18 U.S.C. § 1151

25 U.S.C. § 1903 (Indian Child Welfare Act)

28 U.S.C. § 1651 (All Writs Act)

A.R.S. § 12-751 (Anti-SLAPP)

Supreme Court Rule 14

Supreme Court Rule 20

**Other Authorities:**

National Registry of Exonerations, *Government Misconduct and Convicting the Innocent* (2020)

Public Participation Project, *State Anti-SLAPP Statutes and First Amendment Protections*

**OPINIONS BELOW**

*The relevant orders of the Arizona Court of Appeals, Division One (Case No. 1 CA-CR 26-0250 PRPC) and the Maricopa County Superior Court (Nos. CR2020-001909-001, CR2022-001155-001) are unpublished and are reproduced in the Appendix to this Petition (App. A–F).*

**JURISDICTION**

This Court possesses jurisdiction to issue an extraordinary Writ of Prohibition pursuant to the All Writs Act, 28 U.S.C. § 1651(a), and Supreme Court Rule 20. The Arizona appellate courts have engineered a procedural blockade designed to permanently evade this Court's

prospective appellate jurisdiction by trapping federal civil rights claims inside administratively closed post-conviction dockets. Prohibition is necessary in aid of this Court's jurisdiction because, absent intervention, the state courts will fraudulently dissolve the record. This Petition for an Extraordinary Writ of Prohibition is strictly directed at halting the ultra vires proceedings in Arizona Court of Appeals Division One Case No. 1 CA-CR 26-0250 PRPC, an unconstitutional docket engineered by the state to administratively bury a mandatory civil rights appeal and permanently shield proven police perjury, *Brady* violations, and the usurpation of federal Indian Child Welfare Act jurisdiction from this Court's prospective review.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

1. **U.S. Const. amend. I:** "Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people... to petition the Government for a redress of grievances."
2. **U.S. Const. amend. XIV, § 1:** "...nor shall any State deprive any person of life, liberty, or property, without due process of law..."
3. **28 U.S.C. § 1651(a):** "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

## **STATEMENT OF THE CASE**

This case presents a Constitutional Crisis of First Impression and Nationwide Importance. It exposes a systemic framework wherein a state appellate court utilizes unpublished

administrative rules to shield trial-level police perjury, *Brady* violations, and the usurpation of federal Indian Child Welfare Act (ICWA) jurisdiction from federal appellate review.

### **I. The Narrative of Intrinsic Fraud**

Petitioner's state court indictments in Maricopa County (CR2020-001909-001 and CR2022-001155-001) were procured through explicit, documented perjury. Task Force Officer (TFO) Michael Lum and Detective Anthony Winter fabricated evidence to frame Petitioner as a "Moorish Nation" domestic terrorist. Det. Winter explicitly lied to the grand jury and trial court, claiming he reviewed text messages and was present during a July 2, 2022, incident. Transcripts and internal emails later revealed Det. Winter was *not* present, the text message dates were "Unknown," and no crime occurred. (App. M, N).

Furthermore, the State actively suppressed Tempe Police Department Report No. TE 2021 - 12663 (*Brady v. Maryland*), which established that the incident occurred in "Indian Country" at a recognized Tribal location, acknowledging it as a "Tribal Matter." (App. L). The State, led by Assistant Attorney General Shawn L. Steinberg, suborned this perjury to bypass mandatory ICWA protocols (25 U.S.C. § 1903) and illegally seize subject-matter jurisdiction over a Tribal Citizen. Advisory Counsel Edwin Molina fabricated a "Law Book" factual basis to force a fraudulent plea. (App. K).

### **II. The Retaliation and Bad-Faith Prosecution (*Dombrowski* Exception)**

Upon discovering the withheld *Brady* evidence and perjury, Petitioner exercised his First Amendment rights to petition the government for redress, filing an Anti-SLAPP statutory motion (A.R.S. § 12-751) to expose the systemic fraud. In direct, bad-faith retaliation

designed to chill this protected speech, Maricopa County Adult Probation and rogue state actors initiated three separate, fraudulent probation revocation petitions. The State possesses no lawful jurisdiction to enforce a probation order stemming from a fundamentally void, fraudulently induced judgment. Yet, these officials continue to weaponize ongoing revocation proceedings strictly to harass and silence a Tribal Citizen, placing this ongoing prosecution squarely within the constitutional exception forged in *Dombrowski v. Pfister*, 380 U.S. 479 (1965).

### **III. The Appellate Sabotage**

To seek redress, Petitioner filed a mandatory civil rights appeal. To shield the perjury and block federal review, the Arizona Court of Appeals invoked an unpublished, secret administrative directive (Admin Order 2022-03). In rapid succession on May 21, 2026, and May 28, 2026, Judge Pro Tempore Denise McGimsey and Chief Judge Randall M. Howe stripped Petitioner of his direct appeal, vacated the State's response deadlines, and forcibly converted the constitutional challenge into a discretionary, closed-door Rule 33 Post-Conviction Relief proceeding (PRPC). (App. A–C).

## **REASONS FOR GRANTING THE WRIT**

### **I. Preemptive Mitigation of Procedural Hurdles**

#### **A. In Aid of Jurisdiction (Defeating the Exhaustion/Finality Trap)**

This Court generally requires exhaustion of state remedies. However, a Writ of Prohibition is strictly necessary *in aid of this Court's prospective appellate jurisdiction* (28 U.S.C. § 1651) because the Arizona Court of Appeals is utilizing unconstitutional administrative

sleight-of-hand to ensure a "final judgment" on a clean record never occurs. By burying the Anti-SLAPP appeal in an unappealable PRPC docket, the state court is deliberately dissolving the federal questions. If this Court does not intervene, there will be no record left to review via Certiorari. State remedies are provably futile and fundamentally unfair.

### **B. Prospective Relief (Satisfying the *Hoffman* Rule)**

Under *United States v. Hoffman*, 71 U.S. 158 (1866), Prohibition cannot undo completed acts. Petitioner does *not* ask this Court to undo the past perjury. Petitioner asks this Court to PROHIBIT the Arizona Courts and Adult Probation from exercising *ongoing, future* jurisdiction over the retaliatory probation revocations in CR2020-001909-001 and CR2022-001155-001. Because the underlying judgments were procured by intrinsic fraud and the active suppression of mandatory federal ICWA jurisdiction, the state courts were divested of subject-matter jurisdiction *ab initio*. Consequently, the state courts wholly lack the constitutional authority to proceed with the ongoing, retaliatory probation revocations, justifying immediate prospective intervention by this Court.

### **C. The *Dombrowski* Exception (Defeating *Younger* Abstention)**

Federal courts hesitate to enjoin ongoing state criminal proceedings (*Younger*). However, this case falls squarely into the bad-faith and harassment exception established in *Dombrowski v. Pfister*, 380 U.S. 479 (1965). The state proceedings are being brought in bad faith to retaliate against Petitioner for exercising his First Amendment right to expose police perjury.

## **II. The Constitutional Crisis and Empirical Data**

This is not an isolated error; it represents a nationwide crisis of official misconduct and the weaponization of criminal courts against protected speech.

1. **Official Misconduct:** The National Registry of Exonerations (University of California Irvine / University of Michigan) provides empirical data proving that official misconduct—specifically police perjury and deliberate withholding of exculpatory *Brady* evidence—is present in over 54% of all wrongful convictions.
2. **The "SLAPP" Chilling Effect:** Empirical data from the Public Participation Project demonstrates a dangerous national trend wherein state agents weaponize criminal and probation dockets to bypass civil Anti-SLAPP statutes, chilling First Amendment rights and punishing whistleblowers. The Arizona Court of Appeals' actions establish a dangerous blueprint for states to follow to evade federal oversight.

### **III. Argument I: Void Judgments Due to Subornation of Perjury and *Brady* Violations**

The State of Arizona secured these indictments and forced plea agreements using explicitly fabricated evidence, rendering the judgments void *ab initio*. As detailed in Appendices M, N, and O, AAG Shawn L. Steinberg and Tara White suborned perjury from Det. Winter and TFO Lum. The State knowingly withheld Tempe PD Report TE 2021-12663 in violation of *Brady v. Maryland*, 373 U.S. 83 (1963).

Under this Court's precedent, "a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment." *Napue v. Illinois*, 360 U.S. 264, 269 (1959); see also *Mooney v. Holohan*, 294 U.S. 103

(1935); *Giglio v. United States*, 405 U.S. 150 (1972). Because the Grand Jury was actively defrauded, the Superior Court was divested of subject-matter jurisdiction from inception.

#### **IV. Argument II: Usurpation of Federal Treaty Law and ICWA Jurisdiction**

The Arizona courts committed a hostile takeover of federal jurisdiction. Appendix L confirms the State knew the incident occurred at 2155 S. 55th Street, a Mississippi Band of Choctaw Indian location defined as "Indian Country" under 18 U.S.C. § 1151, and recognized it as a "Tribal Matter."

The State deliberately concealed this to bypass the Indian Child Welfare Act (25 U.S.C. § 1903). Under *United States v. John*, 437 U.S. 634 (1978) and *Santovincenzo v. Egan*, 284 U.S. 30 (1931), the State of Arizona has absolutely no subject-matter jurisdiction to regulate the internal affairs of a federally recognized Tribal Nation or seize its citizens in Indian Country without exhausting federal protocols.

#### **V. Argument III: Unconstitutional Contract Modification and Due Process Violations**

Judge Adam D. Driggs engaged in an unconstitutional "bait-and-switch" by altering the negotiated plea agreement. He added 63 days to probation and waived community supervision without allowing Petitioner to withdraw, violating fundamental contract law and the Fourteenth Amendment. (App. H).

Judge Driggs admitted on the record that keeping the plea in place would be "an injustice" based on the false evidence, yet illegally altered the contract to trap Petitioner. As held in *United States v. Crusco*, 536 F.2d 21 (3d Cir. 1976), manifest injustice occurs as a matter

of law when there is a denial of due process in plea agreements. Furthermore, "[f]raud vitiates the most solemn contracts, documents, and even judgments." *Boyce v. Grundy*, 28 U.S. (3 Pet.) 210, 219 (1830).

## **CONCLUSION AND PRAYER FOR RELIEF**

The State of Arizona has weaponized its judicial machinery to retaliate against a Tribal Citizen exercising his First Amendment rights. By suborning perjury from Det. Winter and TFO Lum, withholding exculpatory police reports, violating the Indian Child Welfare Act, and unconstitutionally altering a plea agreement, the State divested itself of subject-matter jurisdiction. Rather than correct this intrinsic fraud, the Arizona Court of Appeals has utilized secret administrative orders to permanently trap Petitioner in a discretionary procedural loop, shielding the State's perjury from federal appellate review.

Because the underlying judgments are void *ab initio* due to structural fraud and the usurpation of federal treaty law, the lower courts are currently operating entirely outside their lawful jurisdiction by prosecuting ongoing, retaliatory probation revocations against a Tribal Citizen.

Therefore, Petitioner demands this Court issue a Writ of Prohibition permanently enjoining the Arizona Courts and Maricopa County Adult Probation from exercising any further jurisdiction over cases CR2020-001909-001 and CR2022-001155-001, and direct the State of Arizona to show cause why these void judgments should not be immediately vacated.

Respectfully submitted,

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## APPENDIX INDEX

*Pursuant to Supreme Court Rule 14.1(i)*

### **Volume I: The Structural Blockade (The Orders)**

1. **Appendix A:** The May 28, 2026, Order (Chief Judge Howe denying Emergency Motion).
2. **Appendix B:** The May 28, 2026, Order (McGimsey vacating response due date).
3. **Appendix C:** The May 21, 2026, Order (McGimsey converting the appeal to PRPC).
4. **Appendix D:** The May 6, 2026, Superior Court Order (Judge Driggs denying the Anti-SLAPP).
5. **Appendix E:** The June 1, 2026, Order (Denying Rehearing En Banc).
6. **Appendix F:** The June 8 and July 10, 2026, Orders.
7. **Appendix G:** Written Order of Judge Adam D. Driggs (Political public policy ruling).

8. **Appendix H:** Transcripts of unconstitutional plea modification and related December 2025 Superior Court Orders demonstrating judicial awareness of the procedural irregularities and resulting injustice.

#### **Volume II: Exhaustion of State Remedies (The Petitions)**

1. **Appendix I:** Filed Petition for Post-Conviction Relief under Rule 33 (CR2020-001909-001).
2. **Appendix J:** Filed Petition for Post-Conviction Relief under Rule 33 (CR2022-001155-001).

#### **Volume III: The Smoking Gun Evidence (Proof of Intrinsic Fraud & Perjury)**

1. **Appendix K:** Excerpt of Transcript demonstrating "Law Book" Factual Basis fabrication by Advisory Counsel Edwin Molina.
2. **Appendix L:** Tempe Police Department Street Check Report No. TE2021-12663 and Phoenix Police Incident Report No. 202100001019090-002 ("Tribal Matter").
3. **Appendix M:** Jan. 19, 2022, Email from Nicole LeVere juxtaposed against Det. Winter's perjured Grand Jury/Evidentiary Transcripts.
4. **Appendix N:** Deposition of Alec Klemens and Deposition of TFO Michael Lum proving manufactured "Moorish Nation" domestic terrorism framing.
5. **Appendix O:** Craig Frana Federal Protective Services (FPS) Report exposing TFO Lum perjury.