



IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

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

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



IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

DIVISION ONE
FILED: 05/28/2026
MATTHEW J. MARTIN,
CLERK
BY: MVW

STATE OF ARIZONA,	)	Court of Appeals
	)	Division One
Respondent,	)	No. 1 CA-CR 26-0250 PRPC
	)	
v.	)	Maricopa County
	)	Superior Court
JOHNNY RAY WALLS-BEY,	)	No. CR2020-001909-001
	)	CR2022-001155-001
Petitioner.	)	
	)	
	)	

**ORDER VACATING ORDER REQUESTING SUPERIOR COURT RECORD AND
VACATING RESPONSE DUE DATE**

Due to administrative error, the court prematurely ordered the superior court to transmit the record and prematurely set a due date for the State to file a response. Therefore,

IT IS ORDERED vacating the court's May 26, 2026, order requesting transmission of the record.

IT IS FURTHER ORDERED vacating the due date for a response.

IT IS FURTHER ORDERED directing the clerk of this court to send this order to the Clerk of the Maricopa County Superior Court.

_____/s/_____
Denise McGimsey, Judge Pro Tempore

A copy of the foregoing
was sent to:

Philip D Garrow
Johnny Ray Walls-Bey
Hon Nancy Rodriguez



IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

DIVISION ONE
FILED: 05/28/2026
MATTHEW J. MARTIN,
CLERK
BY: MVW

STATE OF ARIZONA,) Court of Appeals
) Division One
Appellee,) No. 1 CA-CR 26-0242
)
v.) Maricopa County
) Superior Court
JOHNNY RAY WALLS-BEY,) No. CR2022-001155-001
)
Appellant.)
)
)
)

ORDER DENYING EMERGENCY MOTION

The court has considered the "Emergency Motion to Object to Administrative Conversion of Statutory Direct Appeal; Motion for Clarification; and Alternatively, Motion to Recuse Judge Pro Tempore Denise McGimsey" in which Mr. Walls-Bey challenges the court's May 21, 2026, order converting this appeal to a review proceeding of a post-conviction relief decision.

The record shows that Mr. Walls-Bey filed documents titled "Hybrid A.R.S. § 12-751(A) Special Motion to Quash Retaliatory Probation Revocations, Demand for Mandatory Expedited Hearing, and Counterclaim for Civil Rights Violations" and "Combined Motion for Rehearing of April 8, 2026 Order, Motion to Vacate Judgment as Void Ab Initio, and Notice of A.R.S. § 12-751(A) Anti-SLAPP Applicability" in his superior court criminal proceedings. Mr.

Walls-Bey contends that A.R.S. § 12-2101(A)(5)(e) entitles him to an expedited appeal from the superior court's decision on his § 12-751(A) motion. The superior court did not treat Mr. Walls-Bey's motion as properly brought under A.R.S. § 12-751(A), however. Instead, the superior court treated the motion "as part of his petition for post-conviction relief" pursuant to Arizona Rule of Criminal Procedure 33.3(b). See Ariz. R. Crim. P. 33.3(b) ("If a court receives any type of application or request for relief--however titled--that challenges the validity of the defendant's plea or admission of a probation violation, or a sentence following entry of a plea or admission of a probation violation, it must treat the application as a petition for post-conviction relief."). This court elected to treat Mr. Walls-Bey's notice of appeal as a challenge to a post-conviction relief decision because the superior court treated Mr. Walls-Bey's motion as a claim for post-conviction relief and denied relief under the standard for post-conviction relief claims. Accordingly,

IT IS ORDERED denying the motion in all respects.

/s/
Randall M. Howe, Chief Judge

A copy of the foregoing
was sent to:

Alice Jones
Johnny Ray Walls-Bey



IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

DIVISION ONE
FILED: 05/21/2026
MATTHEW J. MARTIN,
CLERK
BY: MVW

STATE OF ARIZONA,	)	Court of Appeals
	)	Division One
Appellee,	)	No. 1 CA-CR 26-0242
	)	
v.	)	Maricopa County
	)	Superior Court
JOHNNY RAY WALLS-BEY,	)	No. CR2022-001155-001
	)	
Appellant.	)	
	)	
	)	

**ORDER DIRECTING NOTICE OF APPEAL TO BE REFILED
AS A PETITION FOR REVIEW**

The court has received appellant's notice of appeal. Appellant purports to appeal from the superior court's final decision in a post-conviction relief proceeding filed pursuant to Arizona Rule of Criminal Procedure 33. A defendant who seeks appellate review of the superior court's final decision in a post-conviction relief proceeding must file a petition for review under Rule 32.16 (defendants convicted at trial) or Rule 33.16 (defendants convicted pursuant to a plea) and may not file a direct appeal. See A.R.S. § 13-4033. Pursuant to Division One Administrative Order 2022-03, the court elects to treat the notice of appeal as a petition for review of the superior court's decision. Therefore,

IT IS ORDERED directing the clerk of this court to refile the notice of appeal as a petition for review to avoid a summary dismissal of the notice of appeal.

IT IS FURTHER ORDERED directing the clerk of this court to add Maricopa County Superior Court Case No. CR2020-001909-001 to the caption in the new post-conviction relief case because appellant's notice of appeal specifies that he is challenging a decision under that superior court case number in addition to superior court case number included in the present caption.

IT IS FURTHER ORDERED directing the clerk of this court to transfer all records in this appeal to the new post-conviction relief case.

IT IS FURTHER ORDERED that this matter be administratively closed. The administrative closure will have no effect on the court's consideration of the new post-conviction relief case.

_____/s/_____
Denise McGimsey, Judge Pro Tempore

A copy of the foregoing
was sent to:

Alice Jones
Johnny Ray Walls-Bey
Hon Adam D Driggs
Hon Nancy Rodriguez

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2022-001155-001 DT

05/06/2026

HONORABLE ADAM D. DRIGGS

CLERK OF THE COURT
J. Matlack
Deputy

STATE OF ARIZONA

NICOLE MICHELLE SHAKER

v.

JOHNNY RAY WALLS-BEY (001)

JOHNNY RAY WALLS-BEY
3920 E THOMAS ROAD
STE 80260
PHOENIX AZ 85060

COURT ADMIN-CRIMINAL-PCR
JUDGE DRIGGS
VICTIM WITNESS DIV-AG-CCC

RULE 33 PROCEEDING DISMISSED

Pending before the Court are Defendant's Motion to Vacate Judgment Pursuant to Rule 24.2(a)(2) and Successive Petition Rule 32.1(h) Petition (Dkt. No. 317), filed on February 23, 2026; Supplemental Motion to Vacate Judgment Pursuant to Rule 24.2(a)(2) and Rule 32.1(h)¹ (Dkt. No. 319), filed on March 8, 2026; Notice of State's Non-Opposition and Request for Summary Disposition (Confession of Error) (Dkt. No. 320), filed on March 31, 2026; Notice of Bond Exoneration as Conclusive Confession of Error and Judicial Admission of No Violation (Dkt. No. 321), filed on March 30, 2026; Defendant's Hybrid A.R.S. § 12-751(A) Special Motion to Quash Retaliatory Probation Revocations, Demand for Mandatory Expedited Hearing, and Counterclaim for Civil Rights Violations (Dkt. No. 322), filed on April 3, 2026; and Defendant's Combined Motion for Rehearing of April 8, 2026 Order, Motion to Vacate Judgment as Void Ab Initio, and Notice of A.R.S. § 12-751 Anti-SLAPP Applicability. This is his third Rule 33 proceeding, and it is successive. For the reasons discussed herein, the Court will dismiss Defendant's submissions in their entirety.

¹ Defendant cites to Rule 32, but because he entered plea agreements in this case this post-conviction matter sounds in Rule 33.

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MARICOPA COUNTY

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Relevant Factual and Procedural Background

Defendant was indicted September 14, 2020 on seven counts, including Count 1: Attempted Fraudulent Schemes and Artifices, a Class 3 Felony, Count 2: Impersonating a Police Officer, a Class 6 Felony, Count 3: Threatening or Intimidating, a Class 1 Misdemeanor, Count 4: Attempted Fraudulent Schemes and Artifices, a Class 3 Felony, Counts 5 & 6: Misconduct Involving Weapons, Class 4 Felonies, and Count 7: Forgery, a Class 4 Felony. Counts 1-3 were alleged to have been committed on or about January 23, 2020, while Counts 4-7 were alleged to have been committed on or about September 7, 2019.

The Defendant was later indicted on January 24, 2022, on three counts of Abduction of Child from State Agency, Class 4 Felonies. These charges stemmed from allegations that Defendant kept three children from the lawful custody of the state agency while knowing or having reason to know that the children were entrusted by authority of law to the custody of the state agency. These crimes were alleged to have been committed between April 14, 2021, to July 2, 2021.

On July 21, 2022, Defendant agreed to plea agreements in the two cases.

In CR2020-001909, Defendant pled guilty to Count 3: Threatening or Intimidating, a class 1 misdemeanor and Count 5: of Misconduct Involving Weapons, a class 4 felony. The agreement stipulated that Defendant would be placed on supervised probation on both counts following his physical release from the Department of Corrections in the 2022-001155 case.

In CR2022-001155, Defendant pled guilty to one Count of Abduction of Child from State Agency, a class 4 felony. The agreement stipulated that the Defendant would be sentenced to the Department of Corrections for no more than three years. Both plea agreements were contingent upon Defendant's entry into, and the Court's acceptance of, the plea agreement in the other case. The Court accepted the plea agreement on July 21, 2022.

On October 26, 2022, Defendant was sentenced by Judge Driggs pursuant to both the plea agreements. In CR2022-001155, the Defendant was sentenced to 1.5 years in the Department of Corrections with credit for 266 days of time served. The Court waived community supervision pursuant to A.R.S. § 13-603(K), because Defendant was being sentenced to probation in CR2020-001909 upon his release from custody in this case. The Court dismissed Counts 2 and 3 pursuant to the plea agreement.

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In CR2020-001909, Defendant was sentenced to supervised probation for one year on Count 3 and supervised probation for two years on Count 5. The remaining counts were dismissed pursuant to the plea agreement.

Defendant's Submissions

In his Motion/Petition Defendant seeks relief under Ariz. R. Crim. P. 32.1(h), arguing that there is clear and convincing evidence that the facts underlying his claim are sufficient to establish that no reasonable fact-finder would find him guilty of his offenses beyond a reasonable doubt. Motion/Petition at 5. More specifically, Defendant claims that fraud on the court and perjury render the proceedings "void" and without such, "there is no indictment," and presumably, he would not have been convicted. Petition at 4-5. In his Supplemental Motion/Petition, Defendant essentially repeats these arguments at greater length. Supplemental Motion/Petition at 4-10. He also raises constitutional claims sounding in Rule 32.1(a), arguing his due process rights were violated because his conviction was "based on perjured testimony," Supplemental Motion/Petition at 15; that the prosecution failed to disclose exculpatory evidence as required by *Brady v. Maryland*, 373 U.S. 83 (1963), Supplemental Motion/Petition at 16; and that his Sixth Amendment right to a fair trial was violated, Supplemental Motion/Petition at 17. In his Notice of State's Non-Opposition Defendant argues the States "has legally conceded that the underlying prosecution and subsequent conditions are tainted with fatal, jurisdictional fraud." Notice of State's Non-Opposition at 2. In his Notice of Bond Exoneration Defendant argues that by exonerating the bond in this case "the Court and the State implicitly and legally admitted the underlying proceedings were "legally void, or wholly meritless." Notice of Bond Exoneration at 3. And in his Hybrid A.R.S. § 12-751(A) Special Motion to Quash Retaliatory Probation Revocations, Demand for Mandatory Expedited Hearing, and Counterclaim for Civil Rights Violations he repeats his State non-opposition and bond exoneration claims, his contention that this entire case is *void ab initio*, and that his due process rights have been violated. Defendant's Hybrid A.R.S. § 12-751(A) Motion at 2-3, 5, 8.

ANALYSIS

Rule 33.1(a) Claims

Under Rule 33.2(a), a "defendant is precluded from relief under Rule 33.1(a) based on any ground . . . waived by pleading guilty or no contest to the offense." As Defendant pled guilty, these constitutional claims are precluded. Indeed, Defendant previously brought constitutional claims alleging that his due process rights were violated and that clearly exculpatory information was withheld from the Grand Jury. *See* Dkt. No. 196 at 3-4 (dismissing Defendant's initial petition and detailing his history of raising such claims "multiple times"). This Court dismissed those claims as precluded at that time, noting that "Defendant was not

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convicted at trial based on false or misleading testimony,” but rather upon “his admission that he violated the law and that there was a factual basis to support the conviction.” *Id.* at 3. This Court further noted that “[i]t is well established that entry of a valid guilty plea forecloses a defendant from raising non-jurisdictional defects.” *Id.* at 4 (quoting *State v. Hamilton*, 142 Ariz. 91, 94, 688 P.2d 983, 986 (1984)). Put simply, by pleading guilty, Defendant waived all non-jurisdictional defenses and defects occurring prior to his plea, *State v. Moreno*, 134 Ariz. 199, 200, 655 P.2d 23, 24 (App.1982). This includes the ostensible deprivations of constitutional rights he alleges here. *See Tollett v. Henderson*, 411 U.S. 258, 267, 93 S. Ct. 1602 (1973) (explaining that a guilty plea represents a break in the chain of events which has preceded it in the criminal process; when a criminal defendant, on advice of counsel, has solemnly admitted in open court that he is guilty of a charged offense, he may not thereafter raise independent claims relating to deprivation of constitutional rights that antedated the plea). Based on this controlling case law, Defendant’s instant submissions raising constitutional claims are as doomed now as they were in his previous petition.

As this Court has already stated, Defendant’s entry—and court’s acceptance of—his valid guilty plea prevents him from raising any claims or defects that occurred prior thereto. Defendant voluntarily and intelligently waived his rights and entered into the plea agreement, so he can obtain no relief pursuant to the Rule 33.1(a) constitutional claims he attempts to repeat here. Therefore, Defendant’s Rule 33.1(a) claims must be dismissed.

Rule 33.1(h) Claim

Defendant expressly seeks relief under Ariz. R. Crim. P. 33.1(h), but this claim is also precluded. Under Rule 33.2(b), Defendant’s Rule 33.1(h) actual innocence claim is subject to preclusion if it has been “finally adjudicated on the merits in any previous post-conviction proceeding.” Defendant brought a Rule 33.1(h) claim in his initial petition, *see* Dkt. No. 180 at 4, and this Court found that he had “failed to establish any ground for relief under Rule 33.” Dkt. No 196 at 4. Defendant’s Rule 33.1(h) claim has therefore already been finally adjudicated on the merits and it is squarely precluded here as a result of this Court’s earlier determination.

Additionally, even if it weren’t precluded Defendant’s Rule 33.1(h) claim would fail on the merits, because he has not raised any evidence supporting his actual innocence claim. Rather, he essentially relies on the same constitutional claims that the Court has already dismissed, and dismisses again here, to smuggle in his assertions that Rule 33.1(h) provides him relief based on his actual innocence. *See* Motion/Petition at 5 (claiming prosecutorial misconduct and fraud infected the proceedings and stating that “[w]ithout the perjured testimony, there is no indictment”); Supplemental Motion at 15 (claiming his conviction violated his due process rights because it was secured through perjury). This is unavailing. Defendant has not raised a colorable

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Rule 33.1(h) claim, even if this Court were to consider the claim on its merits. Defendant's Rule 33.1(h) claim must therefore be dismissed.

Rule 24.2 Motion

Rule 24.2 governs post-trial motions to vacate a judgment. Ariz. R. Crim. P. 24.2. It provides that a court must vacate a judgment if it did not have jurisdiction, if newly discovered material facts exist satisfying the standards in Rules 32.1(e) or 33.1(e), or the conviction was obtained in violation of the United States or Arizona constitutions. As already determined in his previous PCR submission, none of these conditions obtain here. *See* Dkt. No. 196 (rejecting jurisdictional and constitutional arguments and concluding Defendant had not proffered newly discovered evidence). Moreover, as to timeliness, the rule requires a party to file "no later than 60 days after the entry of judgment and sentence, or, if a notice of appeal has already been filed under Rule 31, no later than 15 days after the appellate clerk distributes a notice under Rule 31.9(e) that the record on appeal has been filed." By any count, even assuming Defendant merited substantive relief, this submission is untimely. This avenue for relief is therefore squarely foreclosed and must be dismissed.

Notice of State's Non-Opposition

Defendant claims that because the State has yet to file a response to his assorted pleadings that it has thereby "confessed error" and therefore "the underlying prosecution and subsequent conditions are tainted with fatal, jurisdictional fraud." Notice of State's Non-Opposition at 2. Defendant provides no support for this proposition. Moreover, under Rule 33.11(a), "[i]f, after identifying all precluded and untimely claims, the court determines that no remaining claim presents a material issue of fact or law that would entitle the defendant to relief under this rule, the court must summarily dismiss the petition." That is what the Court does here. Because the Defendant's claims are dismissed as precluded and untimely, the State is not required to respond. Defendant's Notice raises no colorable Rule 33 claim, so it must be dismissed.

Notice of Bond Exoneration

Defendant claims the exoneration of his appearance bond relating to his probation violation somehow means that this Court lacked jurisdiction to hear his case and that he committed no crime. Notice of Bond Exoneration at 3. Defendant provides no legal or factual basis to garner relief on this basis under Rule 33, and the Court is aware of none. This Notice must be dismissed.

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MARICOPA COUNTY

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05/06/2026

Defendant's Hybrid A.R.S. § 12-751(A) Special Motion to Quash Retaliatory Probation Revocations, Demand for Mandatory Expedited Hearing, and Counterclaim for Civil Rights Violations

In this motion, Defendant makes passing reference to the arguments he raised in his other submissions in this third PCR proceeding, namely the State's supposed non-opposition and his bond exoneration claim, his contention that this entire case is *void ab initio*, and that his due process rights have been violated. See Defendant's Hybrid A.R.S. § 12-751(A) Motion at 2-3, 5, 8. However, he also raises an action under 42 U.S.C. § 1983 related to First Amendment retaliation and other federal statutes, as well as certain Arizona statutes, such as A.R.S. § 12-751 and A.R.S. § 12-621. See Defendant's Hybrid A.R.S. § 12-751(A) Motion at 6-7.

Rule 33.3(b) provides that "[i]f a court receives any type of application or request for relief--however titled--that challenges the validity of the defendant's plea or admission of a probation violation, or a sentence following entry of a plea or admission of a probation violation, it must treat the application as a petition for post-conviction relief." Defendant's arguments in his hybrid motion can conceivably be construed as challenging his plea and his sentence, so pursuant to Rule 33.3(b) this Court will treat them as part of his petition for post-conviction relief. However, for the reasons already discussed as to Defendant's other submissions, nothing proffered by Defendant in this motion raises a colorable claim under Rule 33.

Additionally, to the extent Defendant seeks to bring an independent claim sounding in any federal or state statute not implicating his plea or sentence, the Court notes that this is not the proper forum to do so.

Defendant's Combined Motion for Rehearing of April 8, 2026 Order, Motion to Vacate Judgment as Void Ab Initio, and Notice of A.R.S. § 12-751 Anti-SLAPP Applicability

On April 11, 2026, Defendant filed a Combined Motion for Rehearing of the Court's April 8, 2026 Order, Motion to Vacate Judgment as Void Ab Initio, and Notice of A.R.S. § 12-751 Anti-SLAPP Applicability. The Court has considered that filing as part of this successive Rule 33 proceeding.

To the extent Defendant seeks rehearing of the April 8, 2026 order, the motion is denied. Defendant again argues that alleged defects in court recordkeeping and the appellate record establish a due-process violation and require investigation or other administrative relief. The Court previously determined that such requests do not present a cognizable Rule 33 claim and are outside the scope of this post-conviction proceeding. Defendant's April 11 filing does not identify any material error of law or fact in that ruling.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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05/06/2026

To the extent Defendant seeks to vacate the judgment as void ab initio, the motion is denied for the reasons stated above. Defendant's arguments regarding the plea agreement, waiver of community supervision, alleged probation extension, due process, fraud, and jurisdiction either were previously adjudicated, are precluded by his guilty plea, are untimely under Rule 24.2, or fail to present a colorable claim for relief under Rule 33.

To the extent Defendant invokes A.R.S. § 12-751, the motion is denied. Defendant has not shown that the Anti-SLAPP statute provides a basis in this successive post-conviction proceeding to vacate his conviction, disturb his sentence, quash probation proceedings, or require an expedited hearing. Nor does the filing overcome the preclusion, timeliness, and waiver grounds discussed in this ruling.

CONCLUSION

Defendant has failed to establish any ground for relief under Rule 33, Arizona Rules of Criminal Procedure, or any other provision he seeks to rely on. This Court therefore has no basis to grant the relief Defendant requests.

IT IS THEREFORE ORDERED denying and dismissing—pursuant to Rule 33.1(a) and (h), Rule 33.2(b), Rule 33.11(a), and Rule 24.2—Defendant's Motion to Vacate Judgment Pursuant to Rule 24.2(a)(2) and Successive Petition Rule 32.1(h) Petition (Dkt. No. 317); Supplemental Motion to Vacate Judgment Pursuant to Rule 24.2(a)(2) and Rule 32.1(h) (Dkt. No. 319); Petitioner's Notice of State's Non-Opposition and Request for Summary Disposition (Confession of Error) (Dkt. No. 320); Notice of Bond Exoneration as Conclusive Confession of Error and Judicial Admission of No Violation (Dkt. No. 321); and Defendant's Hybrid A.R.S. § 12-751(A) Special Motion to Quash Retaliatory Probation Revocations, Demand for Mandatory Expedited Hearing, and Counterclaim for Civil Rights Violations (Dkt. No. 322).

IT IS FURTHER ORDERED denying and dismissing Defendant's Combined Motion for Rehearing of April 8, 2026 Order, Motion to Vacate Judgment as Void Ab Initio, and Notice of A.R.S. § 12-751 Anti-SLAPP Applicability, filed April 11, 2026.

IT IS FURTHER ORDERED denying all other requested relief.



DIVISION ONE
FILED: 06/01/2026
MATTHEW J. MARTIN,
CLERK
BY: CLC

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

STATE OF ARIZONA,	)	Court of Appeals
	)	Division One
Respondent,	)	No. 1 CA-CR 26-0250 PRPC
	)	
v.	)	Maricopa County
	)	Superior Court
JOHNNY RAY WALLS-BEY,	)	No. CR2020-001909-001
	)	CR2022-001155-001
Petitioner.	)	
	)	
	)	

ORDER DENYING PETITION FOR REHEARING EN BANC

The court has considered the "Petition for Rehearing en Banc Pursuant to Arizona Rule of Civil Appellate Procedure 26(b) and Arizona Rule of Criminal Procedure 31.20 with Emergency Motion to Vacate Void Order Based on Temporal Jurisdictional Defect." Because neither the rules cited nor the contents of the petition justify the relief requested,

IT IS ORDERED denying the petition for rehearing and motion to vacate.

/s/
Randall M. Howe, Chief Judge

A copy of the foregoing
was sent to:

Philip D Garrow
Johnny Ray Walls-Bey

**Additional material
from this filing is
available in the
Clerk's Office.**